

ACCOUNTABILITY OVER POLITICS: SCRUTINIZING THE TRAFFICKING IN PERSONS REPORT

HEARING BEFORE THE SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS OF THE COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES ONE HUNDRED FOURTEENTH CONGRESS

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TUESDAY, JULY 12, 2016

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2 o'clock p.m., in room 2200 Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The subcommittee will come to order, and welcome to everyone, especially Madam Ambassador. Thank you for being here.

As you know, the Trafficking and Victims Protection Act of 2000 launched a bold comprehensive public-private sector strategy that included sheltering, political asylum, and other protections for the victims, long jail sentences and asset confiscations for the traffickers, and a myriad of preventative initiatives and tough sanctions for governments that failed to meet minimum standards prescribed by the Trafficking Victims Protection Act.

It was bipartisan and I know David Abramowitz is here, who worked very hard, as did others on both sides of the aisle. It was 3 years in the making. It was not passed overnight. It was given a great deal of looks by everyone, especially the administration, which initially opposed most of it, but in the end was signed into law by President Clinton.

The bill also created the Trafficking in Persons Report and tier rankings and I, in all candor, while I like much of what's in the product and I've read through most of it now and I think it was a very effective effort on country after country—the number of countries that are on Tier 1 is a record, as you point out in your testimony, Madam Ambassador, I think that's a good thing, a number of countries, probably a record again have actually updated or passed laws that are more responsive particularly to victims. But there were concerns. I raise these because to me it's all about the victims and how do we prevent victimization and how do we assist those who are currently or in the future going to be victims.

And I remain concerned that both last year's TIP Report and the current one gave passing grades to several nations with horrific records of government complicity in human trafficking.

Falsifying a country's human rights record, particularly when it comes to branding what tier it ought to be not only undermines the credibility of the report but was especially dehumanizing to the victims who suffer rape, cruelty, and horrifying exploitation.

There are several instances, and I'll get to those in a moment, where you read the report and it inevitably leads to this ought to be a Tier 3 country and then it doesn't merit that, for some reason.

The passing grades for failing, done for more than a dozen governments, was exposed by a series of investigative reports last year by Reuters, which found that professionals at the State Department's TIP Office made one set of recommendations only to overruled at a higher level for political reasons.

Today's hearing will look closely at the newly-released Trafficking in Person's Report which assesses and ranks 188 countries each year on their records of prosecuting traffickers, protecting victims, and preventing human trafficking.

Some of the rankings comport with the records of certain countries. Burma and Uzbekistan, for example, are designated Tier 3, as they should be.

The other nations including trading partners Malaysia and China are given a free pass despite their horrific records of government complicity in human trafficking.

Cuba, a dictatorship highly-favored by this administration, is again falsely touted with a passing grade. China was allowed to keep its Tier 2 Watch List rankings despite the fact that the reason for their upgrade 2 years ago was found to be a fraud.

Alexandra Harney, Jason Szep, and Matt Spetalnick of Reuters authored an expose on China's politicized ranking, find that, and I quote them, "Two years after China announced it was ending the 're-education through labor' system, extrajudicial networks of detention facilities featuring torture and forced labor thrive in its place." I would note parenthetically as chairman of the Congressional-Executive Commission on China we just held another—it's my 60th hearing on human rights issues in China and we focused exclusively on the systematic use of torture in China. It is growing, not diminishing, in its usage, exploiting so many people including people who are forced into labor.

China has deceived the United States—had deceived it in 2014—and when it became apparent last year we let them keep their ill-gotten upgrade in 2015 and again in 2016.

I would hope that that would be revisited again at any time you deem it necessary to make a change; obviously you do have that capability to do so.

Malaysia, whose ranking was upgraded to the Tier 2 Watch List last year on the flimsiest of justifications and fears—it would be disqualified from the TPP—was allowed to maintain its Tier 2 Watch List ranking despite the fact that Malaysia faltered in its anti-trafficking progress over the last year.

In fact, Malaysia, a country with 4 million migrant workers, prosecuted fewer trafficking cases and convicted only seven traffickers last year. That's less than when it was a Tier 3 country.

Meanwhile, women from Burma, Vietnam, Cambodia, the Philippines, and Nepal are trafficked to China for forced marriages and I read with special interest that what you write in the report about

the Philippines and their efforts, maybe even Herculean efforts to try to mitigate trafficking there and that's recognized in their significant upgrading.

North Korean laborers worked under conditions described by experts as forced or slave labor to earn income for the North Korean Government. Prisoners of conscience and other prisoners continue to be held in administrative detention facilities where there are numerous credible reports of prisoners being trafficked for the purpose of organ harvesting and on that score just a couple of weeks ago I chaired a hearing on organ harvesting and it was brutal to hear first person reports and human rights reports by NGOs about what is actually occurring there.

The State Department must get the TIP Report right or we will lose the foundational tool created to help the more than 20 million, maybe more, victims of trafficking and slavery around the world.

The tier ranking is about protecting vulnerable lives—lives destroyed or saved by the on-the-ground impact of a government's action or its inaction.

The easiest case for Tier 3 ranking should be those where the government itself is profiting from human trafficking such as in Cuba, where thousands of Cuba medical professionals labor in dangerous countries not of their choosing, their passports taken, their movements restricted, their families and licenses threatened and their salaries heavily garnished by the Cuban Government.

It is not a coincidence that Cuban law does not recognize labor trafficking. Maria Werlau testified at our hearing in March that, and I quote her, "trafficking is a huge operation run by the government through numerous state enterprises, with . . . accomplices, participants, sponsors, and promoters all over the world." Cuba is also known as a known destination country for child sex tourists and Cuba reports no convictions for child sex tourism. Yet Cuba, although it had been previously year after year ranked Tier 3, is ranked Tier 2 Watch List again this year.

We have seen many countries take a Tier 3 ranking seriously and make real systemic changes and improve their tier rankings, but more importantly, protect trafficking victims. Countries such as South Korea and Israel come to mind.

When the Bush administration rated South Korea and Israel Tier 3 based on their records, both countries—I met with Ambassadors several times from those countries—who wanted to get off as quickly as possible, and I would tell them and I wasn't the only one—the TIP office said it ad nauseam to them—it's all about performance. It's all about what you do, not what you say.

Both countries enacted and implemented policies to combat human trafficking and were given earned upgrades for their verifiable actions.

But other countries attempt to end run the accountability system with endless empty promises of action or mostly meaningless gestures of compliance. China sat on Tier 2 Watch List for 8 years, each year promising the State Department they would implement their anti-trafficking plan.

Each year the State Department took the bait until Congress put a limit on the Tier 2 Watch List, 2 years only unless the President gives the country a waiver.

Well, China has once again promised to implement a plan and the President just gave them a waiver to stay on the Watch List a 3rd year.

Tier rankings are about real prosecutions that are verifiable. We know they happen. It's not just a list that is tendered by someone in the government to our Embassy or TIP official—real prevention and real protection for real people who are suffering as slaves.

The TIP Report was meant to speak for the trafficking victims waiting, hoping and praying for relief. While the 2016 TIP Report speaks for many of them, too many are still unheard.

I yield to Mr. Cicilline.

Mr. CICILLINE. Thank you, Chairman Smith and Ranking Member Bass, for this important hearing and thank you to our witnesses for being here today.

As the 2016 Trafficking in Persons report states, and I quote, "Despite sustained anti-trafficking efforts, millions of individuals are bound by mental, physical and financial coercion and manipulation by traffickers who exploit their vulnerabilities for profit."

Human trafficking is modern day slavery. It's horrifying that there is no place in the world where children, women and men are safe from trafficking. Despite international and U.S. efforts to eliminate human trafficking, this centuries-old problem continues to occur in virtually every country in the world and contributes to a multi-billion dollar criminal industry, the second largest criminal enterprise in the world, according to the FBI.

Trafficking is a global problem. Victims can start in one country and end up in another and trafficking is a human rights problem. Victims of human trafficking are deprived of individual freedoms and suffer through unimaginable harsh, coercive and heart-breaking conditions.

I look forward to hearing from our witnesses today on how the United States can help prevent the scourge of human trafficking and we need an effort to end this horrific activity once and for all.

Thank you for being here. With that, I yield back.

Mr. SMITH. Thank you very much, Mr. Cicilline.

I'd like to now recognize and express my gratitude on behalf of the subcommittee to Ambassador Susan Coppedge for her leadership at the TIP office. She is our Ambassador-at-Large to Monitor and Combat Trafficking in Persons and senior advisor to the Secretary of State.

She was confirmed by the Senate, having been appointed by President Obama in October 2015 and leads the U.S. global engagement against human trafficking. Ambassador Coppedge previously served for 15 years as Assistant United States Attorney in the Northern District of Georgia. She prosecuted more than 45 human traffickers in Federal cases involving transnational and domestic sex trafficking of adults and children and labor trafficking. These prosecutions brought perpetrators of these heinous crimes to justice and assisted more than 90 victims of human trafficking.

Ambassador, the floor is yours.

STATEMENT OF THE HONORABLE SUSAN COPPEDGE, AMBASSADOR-AT-LARGE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, U.S. DEPARTMENT OF STATE

Ambassador COPPEDGE. I am happy to be here today to discuss human trafficking in the 2016 Trafficking in Persons Report.

Thank you for the opportunity to testify about this crucial human rights issue and critical foreign policy issue. The subcommittee and its chairman have been a consistent champion of global efforts to combat human trafficking.

We very much appreciate Congress' bipartisan support on this issue and provision of resources so the department has both the foreign assistance funds and staff it needs to advance our shared goals of combating this heinous crime.

Two weeks ago on June 30th, Secretary Kerry released the 2016 Trafficking in Persons Report. The TIP Report demonstrates the U.S. Government's global leadership on combating human trafficking and it is our principal diagnostic tool to assess government efforts across what we call the three P's—prosecuting traffickers, protecting and empowering victims, and preventing future trafficking crimes.

The TIP Report reflects a whole of Department effort. It is the product of a year of research and reporting by my office, the Office to Monitor and Combat Trafficking in Persons, regional bureaus, and U.S. Embassies around the world, all informed by their engagements with foreign government officials, NGOs, faith groups, and international organizations.

The report provides country-specific narratives for 188 countries and territories and places them on one of four tiers representing the extent to which they meet the minimum standards for the elimination of trafficking as outlined in the Trafficking Victims Protection Act, or TVPA.

The report also offers recommendations for improvement in every country. The TIP Report is more than just an analysis of what countries are doing to combat trafficking. It is, above all else, an instrument of diplomacy, a means to effect change and motivate tangible progress in combating the many forms of trafficking.

And each year, the report and the Department's year round diplomatic efforts on trafficking do spur further progress. There are some places where we saw progress in the last year and other countries where we saw backsliding.

There are some examples submitted in my written testimony. I will just highlight one and that is the progress in the Philippines that the chairman mentioned where a strong coordinated government effort to combat human trafficking across the three P's earned the government its first ever Tier 1 ranking. The Philippines convicted 42 traffickers, including complicit government officials, fulfilling the top recommendation from the 2015 TIP Report.

The Philippines is also an example of successful targeting of U.S. anti-trafficking foreign assistance. The Department has funded programs over the last 10 years including grants to experienced and committed anti-trafficking NGOs to help the government improve its efforts.

This has led to the creation of a dedicated anti-trafficking prosecution unit and an increase in the number of prosecutions and

convictions. Unfortunately, there were several countries that did not make progress this year.

For example, Sudan was ranked Tier 3 this year largely because the government continued to deny the existence of sex trafficking of adults and children and they did not report any efforts to address forced labor.

Another example is Serbia, which went back to Tier 2 Watch List as there were fewer victims identified and still fewer human trafficking prosecutions.

The Serbian Government did not afford victims sufficient protection or provide them with specialized services. We will continue our year round engagements with all governments to make clear that progress in combating human trafficking is a key priority of the U.S. Government, as well as a commitment of all governments that are a party to the Palermo Protocol.

Globally, we saw some promising trends representing growing political will. Since last year, there were 30 amendments to anti-trafficking laws and three states became parties to the landmark Palermo Protocols: The Republic of Korea, Sri Lanka, and Singapore, bringing that total to 169 countries.

While many governments reported increase in convictions, the reported figures still pale in comparison to the global scale of human trafficking. Further, in some countries, courts are not imposing sentences on traffickers that are sufficient to deter future criminal activity or reflective of the heinous nature of this crime.

In addition to the narratives for each country, the introduction to this year's report focuses on effective strategies to prevent human trafficking.

We witnessed a broad range of prevention efforts during the reporting period from strategic intervention programs to public/private partnerships that leverage expertise and facilitate creative solutions.

Those positive examples are also included in my written testimony. We are extremely encouraged by these prevention efforts, yet much work remains. As the 2016 report indicates, two areas of particular concern include the need for stronger efforts to root out corrupt and complicit officials who are themselves either engaged in or benefiting from trafficking and the need for support services and protections for victims so that they are not penalized for crimes committed as a direct result of being trafficked.

It is impossible to truly quantify the vast scope of modern slavery today. It is impossible to describe in words and tier rankings the full extent of the horror of human trafficking and what it inflicts on people and families and societies across the world.

Despite this, I would like to close with a positive and personal reflection on the TIP Report. I have seen firsthand that it continues to serve as the gold standard for analyzing government efforts to combat human trafficking and as a catalyst for a more humane world.

I am very proud of the hard work that went into the report this year and I look forward to using it to advance our ongoing diplomatic efforts to combat trafficking in the months ahead.

I understand there are specific countries the subcommittee wants to discuss and I'm happy to answer questions on these or other countries.

Thank you for having me.

[The prepared statement of Ambassador Coppedge follows:]

**Accountability Over Politics:
Scrutinizing the Trafficking in Persons Report**

**State Department Testimony of
Ambassador Susan Coppedge
for the
House Foreign Affairs Committee
Subcommittee on Africa, Global Health,
Global Human Rights, and International Organizations
July 12, 2016, 2:00 p.m.**

Good morning, Mr. Chairman, Ranking Member Bass, Members of the Subcommittee. I am happy to be before you today to continue our discussion on human trafficking and our recently released 2016 Trafficking in Persons Report. Thank you for the opportunity to testify on this critical foreign policy issue. The Subcommittee has been a consistent champion of global efforts to combat human trafficking, and I thank you for all the work you do to raise awareness on the issue. Your dedication to ending modern slavery has helped strengthen the worldwide response to this insidious crime, while establishing the United States as a world leader in this important fight.

Two weeks ago, on June 30, Secretary Kerry publicly released the 2016 Trafficking in Persons Report and honored the work of our TIP Report Heroes. The TIP Report Heroes are a truly impressive and diverse group which has dedicated their lives to fighting human trafficking including combating hereditary slavery in Mauritania, bonded labor in Pakistan, forced child begging in Senegal, sex trafficking in Russia, and increasing prosecutions and victim protection in Cyprus, the Bahamas, Botswana, and Nepal.

The Trafficking in Persons Report is a symbol of U.S. global leadership on combating human trafficking, and our principal diagnostic tool to assess government efforts across the 3Ps: **prosecuting** traffickers, **protecting** and empowering victims, and **preventing** future trafficking crimes.

The TIP Report reflects a whole-of-Department effort. It is the product of a year of research and reporting by my office—the Office to Monitor and Combat Trafficking in

Persons—regional bureaus, and U.S. embassies around the world informed by their collective engagement with foreign government officials, NGOs, faith groups, and international organizations. It provides country-specific narratives for 188 countries and territories, including the United States, and places them on one of four tiers representing the extent to which they meet the “minimum standards for the elimination of trafficking” as outlined in the Trafficking Victims Protection Act or TVPA.

Of the countries analyzed in the 2016 Report, 36 were placed on Tier 1, 78 on Tier 2, 44 on Tier 2 Watch List, and 27 on Tier 3. In all, there were 27 downgrades and 20 upgrades. No matter which tier a country is placed on, every nation can and should do more to combat human trafficking, which is why the Report offers recommendations for improvements for every country, even Tier 1 countries like the United States.

The TIP Report is more than just an analysis of what countries are doing to combat trafficking. It is, above all else, an instrument of diplomacy—a means to effect change and motivate tangible progress in combating the many forms of trafficking. Since the enactment of the TVPA in 2000 and the TIP Report’s first publication in 2001, the Report has prompted foreign governments to enact legislation, establish national action plans, and implement anti-trafficking policies and programs. And, each year, the Report and the Department’s year-round diplomatic efforts on trafficking spur further progress. There are some places where these efforts bore fruit in the past year, and other countries where we saw backsliding.

One example of progress is the Philippines. A strong, coordinated government effort to combat human trafficking across the 3Ps earned the government a Tier 1 ranking after two years on Tier 2 Watch List and five years on Tier 2. During the last reporting period, the Philippines convicted 42 traffickers, including several complicit government officials, fulfilling the top recommendation from the previous TIP Report. The Philippines proactively identified trafficking victims exploited within the country, assisting roughly 1,500 during the reporting period; enhancing services available for victims, particularly male victims, was a key recommendation in the previous TIP Report. In an effort to

prevent trafficking of migrant workers, the government increased its funding for the Commission on Filipinos Overseas, which runs anti-trafficking prevention campaigns for migrant workers. These are just a few of the efforts the government has undertaken, which reflect the concerted attention many Philippine government agencies have given to combating trafficking. Such a balanced and holistic approach is necessary for governments to effectively combat modern slavery.

The Philippines is also an example of successful targeting of U.S. anti-trafficking foreign assistance. The Department has funded programs over the last ten years, including grants to dedicated and well-respected anti-trafficking NGOs, to help the government improve its efforts, leading to the creation of a dedicated anti-trafficking unit and an increase in the number of prosecutions and convictions. Our office looks forward to continuing foreign assistance to countries that have the political will to combat human trafficking, but insufficient financial means and/or technical expertise. And we will continue to urge the Philippines to make tangible progress in line with recommendations in the 2016 TIP Report; as with all Tier 1 countries, its work is far from done.

Unfortunately, there are several countries that have not made progress this year. For example, Sudan was ranked Tier 3 this year, largely because the government continued to deny the existence of sex trafficking of adults and children, and did not report efforts to address forced labor. Sudanese authorities continued to punish trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking, such as immigration violations, and that undermines any effort to establish a victim-centered approach. Another example is Serbia, where efforts to identify victims and prosecute traffickers decreased, and the government did not afford victims sufficient protection in criminal proceedings or provide them with specialized services. We will continue our firm diplomacy both bilaterally and multilaterally to make clear to all governments that progress in combating human trafficking is a key priority of the American government as well as a commitment of all governments under the Palermo Protocol.

Globally, we saw some promising positive trends representing growing political will. Since last year, 30 countries adopted or amended trafficking laws, one of the highest numbers in recent years. The adoption of effective anti-trafficking laws provides the foundation for states to prosecute traffickers and provide for victim services. Three states became parties to the landmark UN Protocol to Prevent, Suppress and Punish Trafficking in Persons: the Republic of Korea, Sri Lanka, and Singapore, bringing the total to 169. The 2016 TIP Report includes the largest number of Tier 1 countries since the inception of the Report.

While many governments reported increasing convictions, the reported figures still pale in comparison to the global scale of human trafficking. Further, in some countries, courts are not imposing sentences for traffickers that are sufficient to deter future criminal activity or reflective of the heinous nature of this crime. Some states, for example, regularly suspend sentences for convicted traffickers; this may lead to an environment of de facto impunity. The country narratives recommend where governments should increase prosecutions, impose more stringent sentences, or better quantify their efforts.

It is important to note that the findings in the Report are one component of a continuous process. We use the analysis and recommendations in the Report as a roadmap to guide U.S. diplomacy on human trafficking year-round. Not only does the Secretary personally raise the Report recommendations with foreign leaders, as he mentioned at the Report rollout, but officials at all levels of the Department engage with their foreign counterparts year-round, using the Report's findings as a guide. The Report's conclusions also inform our foreign assistance programming. With the help of our other Department and interagency colleagues, my office will develop focused anti-trafficking programming strategies for each region that will prioritize countries according to their need for assistance and their political will to make improvements.

In addition to narratives for each country, the introduction to this year's TIP Report focuses on effective strategies to prevent human trafficking. We witnessed a broad range of prevention efforts during the reporting period, from strategic intervention programs

that reach at-risk populations before they are faced with deceitful recruitment practices, to public-private partnerships that leverage expertise and facilitate creative solutions, and targeted information campaigns that help communities respond to the threat of human trafficking and reduce demand. I'll just share a few examples with you today.

Several countries and NGOs have increased efforts to legally register marginalized populations. In Vietnam, an NGO helped register more than 2,000 ethnic minorities in areas at high risk for human trafficking. Legal registration facilitates access to formal education, health care, and employment in the formal economy and significantly decreases risk factors for potential victims.

In Guatemala, a leading coffee company, with government support, partnered with a U.S. labor rights organization to better understand the risks of recruitment abuses that lead to forced labor. The partners are strengthening communication between workers, the employer, and the government to better report and monitor recruitment practices in the coffee sector.

In Slovakia, the government launched a public awareness campaign that warned citizens seeking employment abroad to be wary of too-good-to-be-true employment offers, reaching 750,000 Slovak-language Facebook users with a prevention message. The government also launched a website that allows Slovaks traveling abroad for employment to register their family or friends and have the website send alerts should the user fail to check in online on a pre-established schedule.

We are extremely encouraged by such prevention efforts. Yet much work remains. The 2016 Trafficking in Persons Report draws attention to several areas for improvement in the country narratives, but I would like to highlight a few that are of particular importance: the need for increased protection for domestic workers and stronger efforts to root out corrupt and complicit officials who are themselves engaged in or benefiting from trafficking. In addition, we need to put in place protections for victims so they are not penalized for crimes committed as a direct result of trafficking and to increase

support services available to victims. In my travels and bilateral meetings so far, I have raised these issues and focused on not criminalizing trafficking victims for crimes committed as a direct result of being trafficked.

Again, I am honored to be here today. I am very proud of the hard work that went into this Report, and I look forward to using it to advance our ongoing diplomatic efforts to combat trafficking in the months ahead. I look forward to your questions.

Mr. SMITH. Madam Ambassador, thank you so very much.

Without objection, your full statement will be made a part of the record.

And I would like to just begin by asking about China. You know, the tierage of China, obviously, has kept them off Tier 3, which is where I and so many others who work on human rights in China believe they ought to be.

And I've read very carefully the China narrative but it is deeply troubling that even where there is talk of the number of traffickers who have been convicted, there's language that follows that although it's unclear how many of these victims met the international definition of human trafficking, there's talk about the written plan which still defies implementation.

I remember any time a Chinese official would come to the United States during the 1990s and into 2000 and beyond but for about 5 straight years there would always be an announcement before the Premier came here or President that they're looking at signing and then after they signed it, ratifying the International Covenant on Civil and Political Rights, and they got a groundswell of good will about the promise and then the Premier would leave, go back and nothing would happen.

The written plan is still awaiting implementation as far as I can tell. Maybe you can provide better insight on that. On the Chinese sex trafficking of women, exacerbated in a huge way by the dearth of women and girls who have been killed through sex-selection abortion is we all know the numbers are tens of thousands of missing females as a part of that heinous crime of gender, and it is a crime, in my opinion.

They're missing. They are not there and they're not going to be recovered, the balance or the ratio for generations to come, even if they turned on a dime tomorrow.

And I'm wondering, when it comes to the magnet that China has become if there is an appreciation within the TIP office of how that has so exacerbated human trafficking, sex trafficking in particular and the exploitation of women.

When I raised this during the Bush administration there was an effort to look at that and it was when Tier 3 was meted out to China by the Obama administration that was listed as one of the criteria.

That has not abated. I was just in China. I gave a human rights speech over there. I talk to diaspora and especially human rights leaders in the Chinese community all the time. There has been no diminution of sex trafficking. It is only getting worse. It's a worsening, not a lessening situation. So if you could speak to that as well.

And finally, on the reform through labor which was a decided reason for the upgrade 3 years ago, the information that we have clearly contradicts that while they got rid of what they called reform through labor, and I was in one of those Beijing Prison Number One where 40 Tiananmen Square activists were doing labor and exporting the shoes and socks that they were making and that was back in the early 1990s.

But we know from the Chinese deputy director of Ministry of Justice who said in November 2014 that most of the reformed labor

facilities were converted into costly drug detoxification centers, which is a euphemism, and that those individuals had increased by 29 percent and that these are reform through labor camps with a different name, a different shingle outside suggesting what they do inside.

How do you respond to that, all of those questions?

Ambassador COPPEDGE. Thank you, Mr. Chairman. Let me know if I forget to respond to one of those points.

I want to start by telling you how much we appreciate your dedication to anti-trafficking efforts and all human rights efforts in China. It's very important to have that support on the Hill and we appreciate the work you have done in that area.

I will say that China received, as you noted, a Tier 2 Watch List ranking this year. That means it does not fully meet the minimum standards for the elimination of trafficking and that it did not demonstrate overall increasing efforts compared to the previous reporting period. So that is not a passing grade.

If you look at the tier rankings as a pass/fail system, then China is still failing. It is on a Tier 2 Watch List, and we continue to urge them to take steps in many of the areas that your question highlighted.

We did receive this year numbers for the conviction of sex trafficking and they reported that 714 traffickers were convicted. They then also submitted that number that you mentioned that is a little murkier. It's a little harder to figure out whether that next figure is about trafficking because it's a crime that's called abduction of women and children.

And so it is counted in the report under the laws that China used. There may be some sex trafficking prosecutions in there. There may not. But as you know, the report says a country has to report data to us and if the data isn't clear we include that lack of clarity in the report when we provide the numbers.

So there was an increased reporting this year and there were 714 trafficking cases as well as other convictions that we could not discern clearly what they were.

With respect to the forced labor camps, we continued to get reports, as you yourself have, that some of those facilities have been rebranded and may still be used to cause forced labor.

We hunt down all the leads we get and we include those in the Trafficking in Persons Report. We are having great difficulty quantifying the extent of forced labor that occurs in these centers. But we certainly get reports beyond just from the government. The government provides reports but we also talk to NGOs and citizens and people who have left the country.

And individuals like yourself—when you travel I know that you share the information you gain with us and all of that goes into the report ranking for any country.

Mr. SMITH. On the sex trafficking, if you could speak to the missing girls phenomena and how that might be impacting this magnet that China has become.

And again, on the reform through labor, do our personnel in our Embassies or consulates have access to independently verify any of this?

And even on the 714 traffickers presumably that were convicted, is that a piece of paper they convey to us or do we have a capability to independently verify that this is true?

Because it is the land of deceit by government officials. There's no doubt about it.

Ambassador COPPEDGE. It's challenging sometimes when governments present information including China to understand what happens behind those statistics and in some countries that are smaller with fewer prosecutions I know we are able to look behind the number and see what the trafficking cases were composed of. In this case, our clearest ability to look behind the numbers is the different laws that China self-reported it used to prosecute these individuals.

We do have officers at our Embassy in China and at our consulates looking at and looking for information there. So we do try to verify information as best we can. We use independent reports, human rights reports as well, so we do, to the best of our ability, look behind those numbers and try to verify them.

With respect to the missing girls, that touches on an area of fighting trafficking where demand has been created because there's a problem and this happens in other countries too where there appears to be heightened demand for commercial sex and that does lead to an increase in sex trafficking.

And what we have asked countries to do pursuant to the Trafficking Victims Protection Act minimum standards is to report to us what efforts they are doing to prevent the demand for young girls and adult women who might be engaged in commercial sex acts against their will.

Mr. SMITH. Finally, on China, the report notes that China is granted a waiver from otherwise required downgrade to Tier 3 because its government had devoted sufficient resources to a sufficient written plan that, and I quote, "if implemented would constitute making significant efforts to meet."

So, again, it's the promise of implementing a plan that has not been implemented. They've allocated \$8 million in a country the size and girth of the People's Republic of China with a problem that is beyond words big. That doesn't seem like much money for a country of that size.

But you even acknowledge that if implemented and it's like we've gotten that promise before and with great respect I would hope that we would not just take that at face value that they're doing us.

Ambassador COPPEDGE. As you know, Congressman, there's only the ability to remain on the Tier 2 Watch List for 4 years and those last 2 years we do require the national action plan. I believe this is China's first waiver and so they only have 1 more year where the national action plan would keep them on the Tier 2 Watch List. After that, they would have to move up to Tier 2 on their own efforts or down to Tier 3. So that period of time where they can rely on the national action plan is a 2-year period.

Mr. SMITH. Let me just ask you, Madam Ambassador, in your testimony for the Senate this morning you said there were a handful of cases where J/TIP recommendations on rankings were opposed by other offices of the State Department. Was China, Cuba,

or Malaysia—and Malaysia three of those countries and what was the recommendation of the TIP office and who made decisions to counter that?

Ambassador COPPEDGE. Well, with respect to the recommendations my team at the Trafficking in Persons office works with individuals at Embassies and posts that are stationed abroad.

We also work with the regional officials at the State Department and come up with the consensus recommendations we present to the Secretary.

He approves all of those consensus recommendations or has the final approval on all of those. With respect to a handful of countries, there may have been some facts that were missing that we were striving to reach still from countries seeking more information.

There was debate on factors potentially pointing in separate directions. So those were the internal deliberations and I was able to present arguments to the Secretary on any of those countries and ultimately the final decision was made by the Secretary for any that there was not a consensus recommendation.

Mr. SMITH. Again, on the written plan is that the 2013 plan, if that's when it was originally written?

Ambassador COPPEDGE. It is the 2013 plan. You're correct.

Mr. SMITH. So we're still awaiting its implementation?

Ambassador COPPEDGE. We are. It was a 2013 to 2020 national plan of action against trafficking in persons.

Mr. SMITH. Okay. Let me, very briefly, and then I will yield to my distinguished colleagues, on the issue of Malaysia and, you know, David Abramowitz, who served under Sam Gejdenson, Tom Lantos was always involved with crafting the best possible bipartisan effort on human trafficking.

In his testimony today he talks about the report. It is not without its troubling flaws when we start with Malaysia, he says, and he makes—and not only is it unjustified that Malaysia is not on Tier 3 which all of us, I think, are deeply concerned about.

But he makes a point that upgrading Thailand to Tier 2 Watch List was also unwarranted but points to the perils that the Malaysia upgrade created. In other words, because Malaysia was to be given a free pass a country like Thailand that had more convictions—35 last year, for example—that was upgraded artificially to make it look as if there's a sense of balance.

That's a terrible outcome. Who made that decision? Was it a TIP recommendation for the Watch List or was that someone else's?

Ambassador COPPEDGE. The final decisions are made by the Secretary and he spoke at the TIP Report release saying that the conclusions are based on facts and based on analysis that occurs over the course of the year.

He also acknowledged that he worked with the experts in this area. I will say that we don't compare countries to one another. We compare a country to its efforts the previous year.

So Malaysia's efforts were compared to its efforts the previous year and Thailand to its efforts the previous year. They weren't compared to each other.

Mr. SMITH. And on Cuba, Cuba was Tier 3 from the very beginning until last year. I read the narrative and I said how is that not

a Tier 3 country, particularly when they claim labor trafficking doesn't exist?

I can't even get a visa to go to Cuba. I met with the Ambassador and he said only if I agree to pre-set parameters of who I meet with would I be given a visa, because I would go and investigate human trafficking and talk to people in the country as well as dissidents.

I can't even get in the country and I've been trying for 20 years. I don't know how Cuba escaped the Tier 3 rating.

Ambassador COPPEDGE. As you know, it is on the Tier 2 Watch List for the second year, meaning it did not make increased efforts to combat trafficking.

I did travel to Cuba in January and met with individuals at the Ministry of Health to talk about our concerns with respect to the medical missions and people participating in those missions who don't have their travel documents or personal identification documents with them when they travel.

So we continue to press the Cuban Government on indicators of trafficking that may exist. We also press them to reform their law to address all forms of trafficking. So, certainly, the problems that Cuba has are highlighted in the report and they do have a lot of areas with which they need to improve. They have improved with respect to sex trafficking prosecutions and to their coordination with law enforcement, both U.S. law enforcement and law enforcement in the region that they are working with to prevent sexual predators from coming into Cuba for sex tourism, but also to share information about any who do come in to engage in those prosecutions with other countries.

Mr. SMITH. So if we notice then, pursuant to the International Megan's Law, we are confident they will respond that a convicted pedophile from the U.S. will be watched or perhaps denied a visa?

Ambassador COPPEDGE. I believe denied a visa, Congressman. We spoke with them about cases where they had turned away those who had been convicted in the U.S. of predatory sexual practices.

Mr. SMITH. You make a great point about human trafficking, the TIP heroes, including a group or a person fighting with trafficking, combating hereditary slavery in Mauritania.

For the record—and I'm glad to see that, I think that's a great award for that person to get—but on March 13, 1996, I chaired a hearing called "Slavery in Mauritania and Sudan" and the State Department told me and my subcommittee, Mr. Twaddell, who was then the Deputy Assistant Secretary for African Affairs, that the Human Rights Report for 1995 indicates that such practices as coercive slavery and commerce in slaves appeared to have virtually disappeared.

I was told that this was a hearing in search of a problem, that there was no problem there. Matter of fact, one of our colleagues, former colleagues, who was a paid consultant for the country of Mauritania, actually testified and said there's no slavery and he had seen it. I asked him well, how often do you go there. Twice, every year. Mervyn Dymally had said that. No slavery.

This is why I get concerned about reports that suggest it's not as big of a problem or, I mean, we had this and tried to do some-

thing back in 1996 and sitting in that witness chair just like you I was told go fish. There is no problem in Mauritania, and there is and there continues to be.

Ambassador COPPEDGE. You won't be told that by me today. I can tell you that they are Tier 3 and we were very pleased to honor those individuals working in Mauritania against heredity slavery as well as seven other individuals.

And it was very moving to me when they said that this makes a difference in their fights, in their countries against trafficking because they can go back and say it is a problem, it's a documented problem in this report and I have been honored for my work in it and my own Government should do better about it rather than relying on me to do this work and being honored by a foreign government.

Mr. SMITH. Well, thank you for honoring them and for your commitment there. I would like to yield to Ms. Bass.

Ms. BASS. Thank you, Mr. Chair.

I actually wanted to follow up little bit on Cuba because I've actually had a different experience. I traveled to Cuba many times and saw them grappling with the issue especially of sex trafficking and prostitution and saw them do a lot of education.

I also recall a time an individual from California was deported. He was in Cuba trying to do sex tourism and they caught him and deported him. And I actually thought that they were downgraded because of our relationship with Cuba at the time and when our relationship became more balanced we upgraded them.

I have some concern about the medical missions and actually some concern about our behavior because one of the practices that we had when doctors from Cuba would go over to South America we would try to recruit them away and offer them special status here and I'm hoping that that's something that we're not continuing to do. Do you know what I'm talking about?

Ambassador COPPEDGE. I do, and the Cuban officials did discuss that with me while I was down there. I don't think our policy yet has changed on that.

Ms. BASS. Because some of those folks then, instead of going back to Cuba where they could practice medicine would be recruited away, and we've done that in other countries as well and that concerns me where doctors are needed other places. Surely we need them here too.

So the focus of my question is actually I wanted to focus on the United States because when I read the TIP Report and I wanted to ask actually that you make some changes next year in how the reporting on the United States has done because when I read the section on the U.S. it's mixed in, domestic and international and even the domestic is mixed in with international people who might be trafficked.

I'm concerned about domestic sex trafficking that does not have an international connection where the average age of girls in our country that are involved in sex trafficking is 12 years old.

Many of them are foster kids. But from the way this report reads you can't really pull that out. And so if the tier grading is based on our practice from one year to the next, I don't know how you judge us. And then, of course, this is us grading ourselves, correct?

I mean, there's nobody else looking at us to say oh, the United States had done wonderful in the Tier 1.

So we have passed legislation around sex trafficking and I would very much like to know where we are with that. So, for example, in this report on page 391 it talks about how we provide comprehensive services for all victims of trafficking. Services, however, were not provided equally.

I sure would like to know where those comprehensive services are. I don't know where they exist. One of the big problems that we have with sex trafficking in the United States is when we rescue the girls we have no place for them to go.

So if there's comprehensive services that are provided by the United States one of the main things we need is housing and I don't know where we are providing that.

Some of the people who are involved in the trafficking are street gangs in the United States. There is no reference to that unless I missed it. So I think we have graded ourselves very well and I'm not entirely sure we have done all that well.

Victims are still arrested. That is acknowledged in one passing sentence here. The victims are still arrested. Sometimes when they are committing crimes that the pimp is forcing them to commit, the girls, the 12-year-olds, 13-year-olds, 14-year-olds, are still taken to jail.

There was a case recently in Oakland where a girl was rescued by a police officer who then turned around and started trafficking her and was trafficking her to the other police officers. So you might have seen in Oakland a couple of weeks ago I think they fired three chiefs in a week and in part it was because of this.

You make reference to a national action plan. Do we have a national action plan in the United States that deals with U.S. girls and boys?

Ambassador COPPEDGE. Are you ready for me to start? Okay. I really do appreciate your focus on the U.S. and it's only since 2010 that we started reporting on the U.S. and that's actually helped us diplomatically to say that we look at ourselves as well as other countries.

And we do—as you note, the U.S. narrative is longer than any other narrative. We exhaustively look at our efforts. We pull information from various branches of Federal Government.

We don't evaluate what the states are doing. We look at the Federal effort and that is done thoroughly in the TIP Report.

I think it's important that we look at ourselves and that we look at ourselves and what we are doing to prosecute and convict complicit officials so those police officers you just mentioned in Oakland, they shouldn't just be fired. They should be criminally prosecuted for that.

Ms. BASS. Absolutely.

Ambassador COPPEDGE. And that is something we ask other countries to do and we certainly grade ourselves on those same standards.

Similarly, with respect to the penalization or criminalization of victims, I had the opportunity to speak to the gathering of state attorney generals that was here in DC.

It was a wonderful opportunity to speak to 50 lawmakers about this very issue, about trafficking victims and how they need to not be criminalized by the system that is supposed to help them and many states have made great progress in that area.

New York was one of the first to offer expungement of criminal records for crimes committed as a direct result of trafficking. Florida has gone even further and doesn't look at just prostitution crimes but looks at any crimes that a trafficking victim may have been convicted of as a result of trafficking.

So it's very important that we make our cases victim-centered, that we make sure that we are helping and assisting the victims and you were right that housing is one of the key issues that victims need.

I was a former Federal prosecutor in Atlanta and that was the first thing we needed to do when we found victims was get them somewhere safe so they weren't re-trafficked, so they weren't subject to the trafficker finding them and pulling them back into that criminal activity that they did not want to be in.

So housing is certainly an area we look at as well as other services—medical services, education, job training—and all of these are provided by Federal as well as state agencies and NGOs.

There's a lot of government funding going to NGOs to provide these services in our states and the Department of Health and Human Services can better speak to exactly what is being done and we do pull a lot of our data for the report from HHS, from the Department of Justice, and from the Department of Labor.

Ms. BASS. So my state is California and my city and county is Los Angeles and in Los Angeles we certainly passed legislation there that a girl is not ever considered as a prostitute because if you're under the age of consent how can you be a prostitute? It's actually rape.

And where I think more attention needs to be paid is also on the men because the men are called johns. They should be called child molesters and they should be prosecuted like child molesters.

And oftentimes they kind of, you know, get off the hook. So I raise California and Los Angeles because I believe we have some of the most progressive legislation there. But we don't have these resources that you're talking about.

I'll follow up with HHS but I also think we need to highlight that because we might have some of these policies in theory but I surely don't know where they are and if anywhere I think they would be in my state.

The national action plan—do we have one?

Ambassador COPPEDGE. We do have it and we have actually a Senior Policy Operating Group which comprises of representatives from all of the Federal agencies that work on trafficking matters and they meet quarterly throughout the year.

In fact, we're meeting next week and we hear about what other individuals are doing, what other agencies are doing. We get outside our silos of each agency and we share our practices to make sure we're enhancing each other's efforts and not competing against efforts.

Ms. BASS. Could I see that? Could you—

Ambassador COPPEDGE. We could get you the—I'm not sure the exact title of the document. We will get it for you, yes—

Ms. BASS. Okay.

Ambassador COPPEDGE [continuing]. From the Senior Policy Operating Group. And then once a year that group convenes with cabinet-level officials and the Secretary of State chairs that and that happened in January of this year. So cabinet-level officials came together to hear about what other agencies are doing and to show a combined front against trafficking in this country.

I will say there was an excellent non-governmental organization in Los Angeles that you referenced that had the campaign that there's no such thing as a child prostitute.

Ms. BASS. Exactly.

Ambassador COPPEDGE. That was a wonderful organization—

Ms. BASS. Absolutely.

Ambassador COPPEDGE [continuing]. It really changed the way we talk about this crime.

Ms. BASS. That's right.

Ambassador COPPEDGE. And I'm very proud of the work they've done and the efforts they've made to redefine this so that we understand that the people engaging in these acts are criminals.

Ms. BASS. It's really important to call it differently which is why it's important to never use the term "john."

Ambassador COPPEDGE. And in the Federal courts I can tell you we do require traffickers to register as sex offenders and I'm pretty sure that most states do follow that practice as well.

Ms. BASS. So in the Federal system also one of the other areas is victim's testimony where sometimes the girls are forced to testify in court and a much more reasonable practice would be for the girls to testify on video.

And I don't know if that's a standard but I think it is one that would be helpful.

Ambassador COPPEDGE. Again, I will defer to the Department of Justice on the legal standards. I will say that in the cases I prosecuted, I always worked with victims to obtain their consent. They were never forced to testify in court.

Ms. BASS. Yes, but even obtaining a consent, when they walk in and when they see that pimp there, it's very hard even with their consent to not be triggered to respond in a way that he could literally control from the courtroom through the nonverbal communication.

You know, one—

Ambassador COPPEDGE. It is very hard. But in my personal experience, it was also empowering for those young women to come into court.

We're talking women over the age of 18, young women, to come into court and be able to tell a jury and a judge what this individual had done to them and to hear that he was convicted of what he did to them.

So it's also empowering at some level, and there are protections for juveniles to be able to testify in different manners if they are in danger.

Ms. BASS. I can certainly understand that, and I was specifically talking about girls. But I can understand it could even be empowering for them as well.

So another area that I'm worried about are the unaccompanied minors which is referenced here. We have been in such a rush to, one, get them placed back when we were at the height of that—to get them placed or to deport them.

And so I'm very concerned. When we deported them back, I don't know what we deported them to. I don't know what we did.

I mean the ones that came with parents, you know, I imagine they were deported with their parents but I don't know what we do. What do we do?

Ambassador COPPEDGE. It's a real problem and certainly—

Ms. BASS. You take a 12-year-old and drop them off in San Salvador?

Ambassador COPPEDGE. Certainly, migration crises around the world have raised awareness of individuals that trafficking victims are preyed upon during any political or economic crisis and natural disasters as well.

Anything that causes individuals to migrate can also cause individuals to be susceptible to traffickers, to the false promises they make.

Ms. BASS. But when we deport a child who do we deport a child to?

Ambassador COPPEDGE. I'm not sure exactly. We'd have to check with the Department of Homeland Security to see.

Ms. BASS. Okay.

Ambassador COPPEDGE. I do know that the State Department has programs ongoing in Guatemala and Honduras to provide services to children to keep them from becoming victims of trafficking.

Ms. BASS. Okay. I know one of the other problems that happened in our country too is when we placed them here some of them were placed inappropriately and placed with traffickers.

I want to just wrap up my testimony because I hear they're calling votes, I think. Is that—so I would like to make the specific request that when the report is done next year that it is separated out so that you can see very specifically the section that deals with U.S. children in the U.S., not international children coming here, and also U.S. trafficking. Does that make sense?

Ambassador COPPEDGE. But I will say that for—I understand your request but I will say that throughout the report for any country, whether it's the U.S., France, or Germany, we look at trafficking in that country. We look at whether that country has a domestic and/or an international component to it. We call that a transit source or destiny.

Ms. BASS. It's just hard to look at our progress that way of U.S.—of what the problem is going on with U.S. children.

Ambassador COPPEDGE. What the report tries to capture is what the landscape of trafficking looks like and in the U.S. unfortunately it is both domestic victims and international victims.

We can certainly, and I think the report does highlight services and whether those are going to both domestic and international victims.

There has been a great increase in the time that I have been working in the anti-trafficking field with services provided to domestic victims.

Ms. BASS. I want us to hold ourselves to a higher standard. Thank you.

Ambassador COPPEDGE. Thank you.

Mr. SMITH. Mr. Cicilline.

Mr. CICILLINE. Thank you, Madam Ambassador.

I want to begin, you mentioned that the TIP Report relies on the Federal efforts with respect to trafficking in the United States and you just mentioned an assessment of the trafficking landscape.

With what we know is activity at the state level, does it make sense to consider including in the TIP Report the state efforts and the success or inadequacies of state efforts as well? Seems like a rather big omission.

Ambassador COPPEDGE. Well, the report is designed to look at countries, to look at the federal, in this case, effort or centralized government efforts around the world. It doesn't dwell down in any other countries.

For example, India has multiple states. We don't look at what the states in India are doing. And so it's consistently treating the U.S. the way we treat other foreign governments and evaluate—

Mr. CICILLINE. Yes, I guess I would—just following up on what Congresswoman Bass' point that she just made, to the extent that we are leaders in this work, we create the report to shine the light on the activities of other countries, it seems to me that we that ought to be doing everything we can to surface all of the trafficking that exists in the United States and call that out because I think it gives more credibility to the balance of the reports. So just something to—

Ambassador COPPEDGE. Well, the report does—and again, the U.S. narrative is the longest narrative in here and it does focus on both domestic and international.

Mr. CICILLINE. Right. But not—it's happening at the local level.

Do you think that there are sufficient protections in place that prohibit the importation of goods and services that have been produced in whole or in part by trafficked or slave labor?

I know there are a number of examples of goods that have come into the United States and that there's reason to believe that were produced by trafficked labor. Do you think we need additional legislative authority to prevent that?

Ambassador COPPEDGE. Well, I know that during this past year Congress closed the loophole to ban products that are made with slave labor and that the Department of Homeland Security, through the Customs and Border Protection, now has the authority to stop products that they believe are made with forced labor.

So I believe that with that legislative change we should wait and see if that appears to be sufficient to allow us to keep out goods that are made with forced labor.

We also at the State Department encourage responsible practices on the part of businesses to look at their own supply chains. This is not something that governments can do alone. It's something we rely on partners and the business community needs to step up and police their own supply chain as well.

To that end, we unveiled this year a Web site partly funded by the State Department called responsible sourcing tool.org, which allows companies who have products that may contain slave labor to be able to go onto that Web site and look where the issues may be in certain countries and how better to police and prevent slave labor from being used in the production of goods.

Mr. CICILLINE. And just one final question because I know votes have been called, of the 20.9 million victims worldwide, the International Labor Organization estimates that 68 percent of these individuals are trapped in labor trafficking. Yet only 7 percent of the 6,609 convictions reported worldwide last year were labor cases. So labor trafficking seems to be really operating with near impunity across the globe in large part because of the increased resources it takes to recognize, investigate, and prosecute these cases.

How can the TIP Report and the State Department, and your office in particular help build this expertise globally and ensure that more labor cases are identified and prosecuted? What else could we be doing, since that seems to be such a big part of this?

Ambassador COPPEDGE. And this was similar to what happened in the U.S. We focused on sex trafficking and have started to increase our focus on labor trafficking and how best to find it.

So what we are doing is training law enforcement both here in the U.S. but also through resources from the State Department. We're training international law enforcement and we are also allowing organizations like the International Organization for Migration to train law enforcement on to what to look for with respect to indicators of forced labor or trafficking.

And so it's important to train them so they understand what to look for but also to call for increasing convictions in this area and stringent sentences that will deter labor traffickers from engaging in this because it really is a crime of economic opportunity, right? Cheaper labor means more money for the people making the product.

And so there needs to be a sufficient consequence and throughout the Trafficking in Persons Report we note where there are not sufficient sentences and not sufficient labor trafficking prosecutions.

Mr. CICILLINE. Thank you so much. I yield back, Mr. Chairman.

Mr. SMITH. Ambassador, we do have 11 votes. I'm not sure how David Abramowitz—I'm not sure—can you stay? I appreciate that.

Thank you. And I apologize deeply for that. They're saying it will take about an hour. Let me just ask a couple of final follow-up questions.

On Cuba where it's clearly stated there is no reporting on labor trafficking whatsoever, 84,000 workers from foreign medical missions. A significant amount of the government revenue is derived from that.

How is it that that lack of reporting didn't trigger a red flag, especially since you acknowledge in your report that some of the people said that they were coerced into that overseas mission?

Ambassador COPPEDGE. So those factors do raise a red flag and as you noted are called out in the narrative. But there are four minimum standards and the fourth has twelve indicia.

And so we evaluate all of those standards and look at the totality of what's going on in the country. Cuba has made some progress,

as I indicated with respect to keeping sex tourists out of the country. They have increased their efforts to address sex trafficking. We continue to press them to engage more in labor trafficking and to allow the people involved in the medical missions to hold their documents when they are working abroad.

Mr. SMITH. Again, just for clarification purposes, when you receive data from the People's Republic of China, to what extent do we try to verify that it's accurate?

Ambassador COPPEDGE. In every case we try to verify that information.

Mr. SMITH. And how do we do that?

Ambassador COPPEDGE. We have individuals on the ground who are gathering information from sources other than the government. We rely on human rights organizations. We rely on dissidents. We rely on press. We rely on any sources of information we can to verify that information.

I will say, as I alluded to earlier with respect to Cuba, that in that case where there's a smaller number of convictions, we actually have lawyers at the State Department who looked at the facts in those cases and said yes, these are sex trafficking cases that we can now count and say this is the number of prosecutions they had.

It becomes much more challenging and problematic in a country as large as China to verify every case. We simply can't do that. But they do in China break out the prosecutions by the type of law they were convicted under and we did distinguish those types of prosecutions in the report this year.

Mr. SMITH. But we don't have access, we don't have people in the courtroom. I mean, what kind of transparency is there?

Ambassador COPPEDGE. We strive for transparency in this report and that's why there is—

Mr. SMITH. No, I mean in terms of the Chinese statistics.

Ambassador COPPEDGE. It's very hard to get information, as you know, sir, from China.

Mr. SMITH. Because if you look at the numbers from 2010, there is actually a 55-percent decline in the number of cases and 62-percent decline in the number of convictions, again, compared to 2010. Not last year but 2010 when they were Tier 3.

So I have trouble understanding whether or not we have real numbers even in 2010 and the numbers have actually declined from when they were Tier 3 when it comes to convictions and prosecutions.

Ambassador COPPEDGE. But it's not just the numbers that the tier ranking is based on. It's based on the four minimum standards and the 12 indicia.

So we have to look at all of the factors. And I do know that from last year that China did provide increasing statistics to us, more information and more transparency than they had in 2014, for the 2015 report.

Mr. SMITH. So on China, your recommendation is comported with what the Secretary did?

Ambassador COPPEDGE. So I—certainly support the book as a whole and the Secretary has the final authority. And so this is a State Department—whole of Department effort and we were able

to discuss all of the countries of concern to the Trafficking in Persons office with the Secretary.

Mr. SMITH. Okay. Let me just—and for the record, the part on the United States, which is a welcome depart, and it's good that we're Tier 1, but I think people tend to forget that there is an annual Attorney General's report that is 400 pages long. This is 418 for the entire world.

We do look introspectively and we do it with a different part of our Government, the Attorney General's office in the Justice Department. And I think sometimes that goes under recognized.

We are looking and trying to improve all the time and what you have here is just a distillation of what other parts of the government are doing on a Federal level. So I think that's important to point out.

Unfortunately, we've got votes. I have another 20 questions but I won't get to them. I'll submit them for the record. And again, I apologize to Mr. Abramowitz that we have about an hour's worth of votes. Then we'll reconvene as soon as we return.

We stand in recess.

[Recess.]

Mr. SMITH. The subcommittee will resume its sitting and I want to apologize again to Mr. Abramowitz and those who have stayed. Thank you for your forbearance.

I'd like to introduce David Abramowitz who is the managing director of Humanity United Action overseeing public policy and government relations.

Previously he served as chief counsel to the House Committee on Foreign Affairs where he was responsible for advising the committee of such matters as international law, justice, global human rights, democracy issues including and especially trafficking in persons, and promoting democracy assistance.

He worked doggedly on the Trafficking Victims Protection Act of 2000 and especially on the reauthorization of the Wilberforce Act in 2008 among other important pieces of legislation.

Prior to joining the committee staff in 1999, David worked in the Department of State for 10 years on arms control, the Middle East, and legislation relating to foreign relations and I'd like to yield the floor to Mr. Abramowitz.

STATEMENT OF MR. DAVID ABRAMOWITZ, MANAGING DIRECTOR, HUMANITY UNITED ACTION

Mr. ABRAMOWITZ. Thank you, Mr. Chairman, and to Ranking Member Bass for convening this important hearing and for inviting me to testify.

I have a written statement and I ask that it be made part of the record.

Mr. SMITH. Without objection, so ordered.

Mr. ABRAMOWITZ. It's a pleasure to be here today representing Humanity United Action, a nonpartisan non-profit organization that along with its affiliated organization, Humanity United, is dedicated to bringing new approaches to global problems that have long been considered intractable.

Mr. Chairman, more than 15 years after the Palermo Protocol and the Trafficking Victims Protection Act at any given time more

than 20 million workers and individuals are still estimated to be trapped in modern slavery. A strong Trafficking in Persons office at the Department of State with effective tools such as the Trafficking in Persons Report is a powerful catalyst for change.

But the TIP Report is only effective if the State Department ranks countries honestly. Last year, many of us in civil society expressed serious concerns that with some of the State Department's tier placement decisions, especially the upgrading of Malaysia and Uzbekistan, I would say the 2016 report is a mixed picture with some real disappointments, but is certainly better than last year.

First, the positive. By placing Burma and Uzbekistan in Tier 3, we believe that the State Department is starting to remedy some of last year's misguided decisions. The treatment of the Rohingya in Burma and the Uzbekistani Government official policy of forced labor fully justifies these decisions, as I note in my written testimony.

My testimony also describes how the State Department's decision to keep Qatar on the Tier 2 Watch List is another effective way to use the TIP Report to push for real change that will actually impact workers on the ground.

Unfortunately, this year's report has troubling flaws. Let me start with Malaysia. The State Department's upgrade of that country to the Tier 2 Watch List in 2015 was completely unjustified and remains so today.

More than a year after Malaysian police unearthed the remains of more than 130 human trafficking victims buried in mass graves, not a single Malaysian has been held accountable.

This is particularly of concern, given that the mass graves incident occurred fully within this year's reporting period. Moreover, recent news reports suggest that top government officials have been involved in the human trafficking scheme involving the country's immigration system. Similarly, no criminal charges have been brought.

As you mentioned, Mr. Chairman, earlier convictions may have gone up slightly from four last year to seven this year, but that number is still below the number of convictions in 2014 when Malaysia was downgraded to Tier 3 and the report itself acknowledges that there were fewer trafficking investigations and prosecutions last year with its pilot program for victims seeming to be sputtering to a halt.

While the State Department may have believed that an upgrade to the Tier 2 Watch List would encourage Malaysia to increase its concrete actions, that simply didn't happen.

Upgrading Thailand to Tier 2 Watch List was also unwarranted and points to the perils that the Malaysia upgrade created. I know, Mr. Chairman, that you thought that it was appropriate to upgrade Thailand but I think that we still have significant concerns.

Though the Thai Government has taken steps to improve some of its laws to address international concerns around human trafficking and forced labor, those reforms have not resulted in any meaningful improvement on the ground.

Implementation and enforcement of these laws remains a major weakness. As I indicated in my testimony, quoting from a Humanity United and Freedom Fund report, implementation of the new

statutes has been inconsistent both in courts and at sea. Inspection systems are underfunded, plagued by corruption and constrained by inadequate vessel monitoring capabilities.

More importantly, inspectors have failed to identify victims of forced labor as they lack the resources and incentives to check crews and interview workers.

I'd ask, Mr. Chairman, that the full text of that report be included in the record.

Mr. SMITH. Without objection, so ordered.

Mr. ABRAMOWITZ. What's more, we've seen very troubling developments in the investigation of the discovery of mass graves on the Thai side of the border, which is concomitant with the Malaysian case.

The head of this investigation had to flee for his life and seek asylum in Australia after receiving threats from Thai police and military officials complicit in forced labor in the country.

This suggests that high-level Thai Government officials are involved.

Mr. Chairman, as you mentioned previously, I think we need to consider that the upgrade of Malaysia last year led directly to the upgrade of Thailand this year.

It may be that it was simply impossible to upgrade Malaysia and keep it on the Tier 2 Watch List this year and at the same time not upgrade Thailand.

Thailand's efforts were plainly insufficient, in our view, but they were greater than Malaysia's. Having decided to upgrade Malaysia and keep it on Tier 2 Watch List may have made it more difficult to keep Thailand on Tier 3 and maybe we can discuss this more during questions.

Unfortunately, the decision to upgrade Thailand and maintain Malaysia on the Watch List may deepen the perception that the Department applies the TIP Report standards unevenly.

I believe that the State Department, particularly the U.S. Embassies in Bangkok and Kuala Lumpur and the Department's East Asia and Pacific bureau must significantly increase their efforts to see real implementation of Thailand and Malaysia's legal frameworks and press for real impact.

I want to accentuate this point, Mr. Chairman. The Department's lack of focus on actual impact on the ground in sensitive countries has reached a point where Congress should step in.

One way Congress can address this is to require that any country that receives an upgrade shows concrete actions toward the implementation of their laws and demonstrate impact of these actions on the ground.

Developing a program to help survivors that doesn't work or establishing labor inspections that do not identify trafficking victims is simply not the impact the United States should expect.

Similarly, commitments to take action should not be a basis for having a country remain on a Tier 2 Watch List.

As you pointed out, Mr. Chairman, earlier, we have taken vague commitments and the promises to implement laws—new laws—in good faith too often and it is the victims of trafficking who pay the price for such misplaced trust.

Now is the time for Congress also to step in to ensure that in the future all governments that direct trafficking in persons or support forced labor through government policy should automatically be placed on Tier 3.

And before I close, Mr. Chairman, just addressing some of the issues that were raised on the United States, I think there can be no question that there is significant efforts that the U.S. is taking.

But there are a number of areas, as Congresswoman Bass pointed out, where we really need to look carefully. For example, on prosecutions, almost all the prosecutions were on sex trafficking.

Obviously, those crimes come up and they're easier to investigate. But we have small number of prosecutions and convictions on foreign labor trafficking.

As is mentioned in the report, some of the exchange programs are of concern. This is a potential controversial issue. But there have been ways in which the summer work program and some of the exchange programs have had serious problems.

There are also the issues with the unaccompanied alien children and the U.S. need to do more to make sure that the children are protected and also that perhaps we take steps to ensure that the root causes of some of that is addressed.

And finally, I think this issue of decriminalization is one that we need to continue thinking about. The Justice for Victims of Trafficking Act did authorize a diversion program so that children would not be put into jails.

But I think there are ways that we can think about doing better and making sure that they are actually not arrested in the first place. Obviously, that raises certain challenges. But I think we need to look at that carefully.

Well, thank you, Mr. Chairman, for the invitation to testify and for both yours and for Ranking Member Bass' critical leadership in this issue and I look forward to working with you in the future and to your questions.

Thank you.

[The prepared statement of Mr. Abramowitz follows:]

*Testimony by David Abramowitz
Managing Director of Policy and Government Relations
Humanity United Action
Before the Subcommittee on Africa, Global Health,
Global Human Rights, and International Organizations
House Committee on Foreign Affairs
Of the United States House of Representatives*

Accountability over Politics: Scrutinizing the Trafficking in Persons Report

July 12, 2016

Thank you, Mr. Chairman and Ranking Member Bass, for convening this important hearing and the invitation to testify. You and Congresswoman Bass are critical leaders in the fight against human trafficking, forced labor, and modern slavery. Thanks to your tireless efforts, America remains a global leader in combatting these atrocious crimes.

It's my pleasure to be here today representing Humanity United Action and its partners around the world that combat modern slavery. Humanity United Action is a nonpartisan, nonprofit organization that, along with its affiliated organization Humanity United, is dedicated to bringing new approaches to global problems that have long been considered intractable. Humanity United Action is part of the Omidyar Group, which represents the philanthropic, personal, and professional interests of the Omidyar family.

Mr. Chairman, at any given time, more than 20 million workers are estimated to be trapped in modern slavery. The United States can and should play an important role in leading the global fight against this horrific crime that destroys lives, endangers public health, fuels violence, and weakens global stability.

A decade and a half after the Palermo Protocols and the original Trafficking Victims Protection Act of 2000, almost every country in the world has laws that address human trafficking to varying degrees. The State Department and, in particular, the Department's Office to Monitor and Combat Trafficking in Persons, are due much credit for U.S. government leadership in the fight against human trafficking and modern slavery. A strong TIP office with effective tools is a powerful catalyst for change and holds countries (including the U.S.) accountable for their actions or inaction against human trafficking. One of these tools is the annual Trafficking in Persons Report. The TIP report can be an effective diplomatic lever to pressure countries that are turning a blind eye to trafficking, and to spotlight and encourage best practices worldwide. But this tool is only effective if the State Department ranks countries honestly, according to the facts on the ground and credible evidence of a country's efforts taken during the reporting period, not merely promises to take action and unrelated political concerns.

Whether a foreign government denounces the TIP Report or rejoices in its ranking, the TIP Report can be a key driver for national change. The leverage and impact of the TIP Report is, and remains, that there are consequences of the tier rating system. By failing to meet the minimum standards on modern slavery, and by not making concerted efforts to meet those standards, countries risk being labeled one of the world's worst human trafficking offenders, thereby subjecting the country to public shame and the possibility of targeted U.S. sanctions.

Last year, many of us in civil society expressed serious concern with some of the State Department's tier placement decisions, especially the upgrading of Malaysia and Uzbekistan. Because we, and others, believe that these decisions were influenced by foreign policy and economic factors unrelated to each country's performance in combatting human trafficking, we were paying close attention to the 2016 report. I would say the report is a mixed picture, with some real disappointments, although certainly better than last year.

First, the positive steps that we saw this year. By placing Burma and Uzbekistan on Tier 3, we believe that the State Department is starting to remedy some of last year's misguided decisions. As you know, the government of Uzbekistan operates a state-sponsored forced labor program. No state that maintains a government-orchestrated forced labor scheme should be on any tier but Tier 3.

Now is the time for Congress to step in to ensure that in the future all governments and officials at any level that direct trafficking in persons or support forced labor through government policy should automatically be placed on tier 3.

With respect to Burma, we are optimistic that demoting the country to Tier 3 will encourage the government to work harder to address the situation of the Rohingya population—a group particularly vulnerable to trafficking across the Mekong Delta region—take concrete action to end forced labor internally, and eliminate the use of child soldiers in the military.

I also note that the State Department's decision to keep Qatar on Tier 2 Watch List indicates commitment and leadership by the United States to hold Qatar accountable for its slow progress in addressing forced labor within the country. This year's TIP report again highlights that the current sponsorship system allows employers to exert significant control over their employees, who have unilateral power to cancel workers' residence permits, deny workers' ability to change employers or exit the country. Reforms to this system, which will be implemented in December 2016, could reduce migrant workers' vulnerability to forced labor. However, there is concern that these reforms still place significant power in the hands of employers over workers' mobility. The report also highlights that existing labor protections remain weak and favor the employer, and efforts to increase labor inspection have not gone far enough to address the challenge. Domestic workers, who are particularly vulnerable due to their isolation in private residences, remain outside the protection of the labor law. Qatar's position on Tier 2 Watch List for a third year in a row indicates the State Department's recognition that the Qatari government needs to take further steps to implement effective reforms and protections to address systematic failures contributing to migrant workers' vulnerabilities to forced labor, including broad reforms of the country's sponsorship system and extending legal protections to particularly vulnerable groups, such as domestic workers. This points to another effective way to use the TIP report to push for real change that will actually impact workers on the ground.

Unfortunately, this year's report was not without troubling flaws. Let me start with Malaysia.

The State Department's upgrade of that country to the Tier 2 Watch List in 2015 was completely unjustified and remains so today. More than a year after Malaysian police unearthed the remains of more than 130 human trafficking victims buried in mass graves, not a single Malaysian has been held accountable. This is particularly of concern given that the mass graves incident occurred fully within this year's reporting period. Moreover, recent news reports suggest that top government officials have been involved in a human trafficking scheme involving the country's immigration system. Similarly, no criminal charges have been brought. A country that has taken little to no meaningful steps to address the widespread use of forced labor in the agriculture,

construction, electronics, and textiles sectors deserves a Tier 3 placement. For example, even though convictions went up slightly from 4 last year to 7 this year, that number is still below the number of convictions in 2014, when Malaysia was downgraded to Tier 3. Moreover, the report itself acknowledges that there were fewer trafficking investigations and prosecutions than last year, and its pilot program on allowing victims to move more freely and work inside Malaysia seems to be sputtering to a halt. To the extent that the State Department believed that an upgrade to Tier 2 Watch List would encourage Malaysia to increase concrete actions, this was a severe disappointment.

Upgrading Thailand to the Tier 2 Watch List was also unwarranted, and points to the perils that the Malaysia upgrade created. Though the Thai government has taken steps to improve some of its laws to address international concerns around human trafficking and forced labor, those reforms, while a step in the right direction, have not resulted in any meaningful improvement on the ground. Implementation and enforcement of these new laws remains a major weakness. We continue to see reports of egregious labor abuse in the seafood industry and understand that the new system of inspections put in place by the government, which appear designed to address Illegal, Unreported and Unregulated fishing practices, are failing to uncover forced labor and human trafficking. As a recent report by Humanity United and the Freedom Fund regarding the new legislation indicated:

[I]mplementation has been inconsistent, both in ports and at sea. Inspection systems are underfunded, plagued by corruption, and constrained by inadequate vessel monitoring capabilities. More importantly, inspectors have failed to identify victims of forced labour, as they lack the resources and incentives to check crews and interview workers.

Identifying lower level labor violations is not enough to justify this year's upgrade.

What's more, we have seen very troubling developments in the investigation into the discovery of mass graves of forced laborers in Thailand. The head of the investigation had to flee for his life and seek asylum in Australia after receiving threats from Thai police and military officials complicit in forced labor in the country. This suggests that high level Thai government officials were involved. The prosecution of certain corrupt Thai officials, while welcome, may be more about masking senior culprits as opposed to making real efforts to find out what happened in this critical and horrendous case.

Mr. Chairman, I think we need to consider that the upgrade of Malaysia last year led directly to the upgrade of Thailand this year. It may be that it was simply impossible to upgrade Malaysia and keep it on the Tier 2 Watch List this year, and at the same time not upgrade Thailand. Thailand's efforts were plainly insufficient, but they were greater than Malaysia's. Having decided to upgrade Malaysia and keep it on the Tier 2 Watch List may have made it much more difficult to keep Thailand on Tier 3.

Unfortunately, the decision to upgrade Thailand and maintain Malaysia on the Watch List may deepen the perception that the Department applies the TIP Report's standards unevenly and will likely further weaken the usefulness of the TIP Report as a diplomatic tool to impact efforts to combat modern slavery globally. I believe the State Department, particularly the US embassies in Bangkok and Kuala Lumpur and the Department's East Asia and Pacific Bureau, must increase its efforts to see real implementation of Thailand and Malaysia's legal framework.

The Department's lack of focus on actual impact on the ground in sensitive countries has reached the point where Congress should step in. One way Congress can address this is to require that any

country that receives an upgrade shows concrete actions towards the implementation of their laws, and demonstrate impact of these actions on the ground. Developing a program to help survivors that does not work, or establishing labor inspections that do not identify trafficking victims, is simply not the impact the United States should expect. Similarly, commitments to take action should not be a basis for having a country remain on Tier 2 Watch List. Countries have had 16 years since the creation of the first TIP Report to pass the laws required to meet the minimum standards for trafficking in persons. It is time to start showing how they are delivering on those promises and actually implementing laws that prevent the crime, protect survivors, and hold perpetrators to account. We have taken vague commitments and the promises to implement new laws in good faith too often... and it is the victims of trafficking who pay the price for such misplaced trust.

Mr. Chairman, Ranking Member Bass, the TIP Report remains a critical element of the global fight against human trafficking. But we still have work to do. Congress has given the Administration good tools. It is critical that we work together so these tools are not left to rust in the toolbox, especially after last year's report. We in civil society stand ready to deepen the conversation and work with you to ensure that together as partners, we are on the path toward eradicating human trafficking and modern-day slavery and advancing the cause of human freedom.

Thank you, Mr. Chairman, and Ranking Member Bass for all the work you have done on this critical issue and I look forward to your questions.

Mr. SMITH. Mr. Abramowitz, thank you very much for your testimony.

As you I'm sure observed during my questioning of the Ambassador-at-Large I used some of your comments, particularly the idea of the equivalence of Thailand goes up because Malaysia has gone up in terms of tier ranking, and I think that was a very valid point.

I didn't really get an answer to that and some of the other questions and I think hopefully on some of the written questions we'll get an elaboration on some of the why's of this because there are a lot of left unanswered and important questions. I mean, whether or not the TPP had any influence whatsoever on Malaysia's tier ranking. I think you can't even look somebody in the face and have a straight face and say it didn't because I think it's obvious it did because it's not based on Malaysia's trafficking record.

So I thank you for those points. You know, the yellow card that the European Commission had put on Thailand, where is that in terms of its consideration?

Mr. ABRAMOWITZ. I think that's a very important point, Mr. Chairman. In late May, early June the European Commission extended the yellow card.

I believe it was for an additional 6 months to determine whether Thailand was making progress on both the illegal unregulated and unreported fishing aspects which goes to sustainability as well as the forced labor issues, even though that is technically not part of the Commission's approach.

My concern is that I think that part of what spurred the Commission to take this action with respect to Thailand, which is driving some significant change in terms of at least the new frameworks, was the yellow card that they put on the importation of fish from Thailand and with the upgrade from Tier 3 to the Tier 2 Watch List I think the question is how will they look at it.

That is, the Tier 3 rating of Thailand, I think, gave the European Commission additional incentives to try to take action and now that it's been upgraded to the Tier 2 Watch List what will the commission do. I'm very concerned that they will also take the pressure off Thailand, which could lead to a very unsatisfying response from the Government of Thailand.

Mr. SMITH. Mr. Abramowitz, with regards to Cambodia, corruption of or prosecution of corrupt officials is key to changing the climate of impunity for human trafficking. We know there is a lot of cross border trafficking and what a destination point as well as origination Cambodia actually is.

Your thoughts on what needs to happen for Cambodia to take this more seriously and to really crack down on the government officials?

Mr. ABRAMOWITZ. Well Mr. Chairman, I think that there are those of our partner organizations that work in Cambodia and they believe that there has been some significant progress with respect to Cambodia and have been supportive of the Cambodia being raised to Tier 2.

That's primarily based, I think, on some of the success they have at least in terms of the monitoring they've done on some of the child sexual exploitation in Cambodia.

Nonetheless, I think that there are some significant issues. One is the one you just pointed out—corruption. I think that the—there continue to be challenges there.

A second issue is the question of trying to ensure that recruitment of Cambodians who work abroad in sort of a semi-official labor export program is done in a way that it doesn't create exploitation.

A lot of these problems originate in the sending country where the recruiters actually require additional fees for individuals. So there needs to be additional work there.

And I think overall Cambodia has to sustain the efforts that it's been doing and some of the progress that's been made.

Mr. SMITH. Let me ask you with regards to China, you heard my exchange with the Ambassador-at-Large about the view toward a written plan that goes unimplemented but the promise of implementation is dangled like a low-hanging fruit. They continue to retain their category of Watch List.

Your thoughts on that? Because it seems to me they can stretch that for years and when do we finally say we're not convinced?

Mr. ABRAMOWITZ. I have to say, Mr. Chairman, that I was a bit concerned by the Ambassador's response and also I think the overall framing.

So on one hand, the report—and the Ambassador also indicated this—suggests that there are problems with respect to the forced labor and these issues are being raised but it's not exactly clear what the scale of it, or that's what I heard was that it's obviously a problem but the scale, et cetera.

But then the number-one recommendation they have in the TIP Report this year is to end forced labor and government facilities outside of the penal sector.

So it seems to me that the Department is really recognizing that this challenge of forced labor, the in-government facilities pursuant to the government industries is a real serious problem. It's the number-one thing that should be fixed.

So I think that's one of the reasons among others that we have this proposal that's in the testimony to say that if there is government-sponsored forced labor a country should automatically be on Tier 3.

How is it that you can have a government that would have a policy of trying to have forced labor in its facilities, industries, et cetera, or in private, forcing individuals to go into private sector areas like in Uzbekistan and that they can be anything but Tier 3?

So I think that is one issue that I think we need to look at carefully.

The second is I think that there are difficult sensitivities with China, as you pointed out, Mr. Chairman, and I think that we need to start thinking about additional tools in addition to the TIP Report that is outside this framework to try to work on trying to improve their performance. So—

Mr. SMITH. Can you list some examples?

Mr. ABRAMOWITZ. So for example, as was discussed very briefly in response to Mr. Cicilline's questions we now have an improved

tool with respect to prohibiting the importation of goods made with forced labor.

The Tariff Act of 1930 which previously was not available to really do anything because of this consumptive demand exception, which I believe you and your staff are familiar with, now that that's been eliminated you actually have a real authority to start enforcing the notion that goods that come into the United States should not be made with forced labor and our markets should not be open and have access to goods with forced labor.

Now, this has just been used for the first time in 16 years. Where was it used? Against China. And why? Because it was prison labor.

So I think that's a good signal to send but I think that we can expand the use of that authority to other areas where we know that forced labor is being used.

This would be a way of trying to target our efforts so it's not trying to undermine the entire relationship or et cetera but you can target specific wrongdoing by specific companies and I think that can send a strong message to the Government of China as well as other governments that they just can't keep on going with business as usual.

So I think that we have to kind of put the TIP Report in context and try to figure out where there are other ways that we can address some of the wrongdoing if some of the issues here become too difficult.

Mr. SMITH. Well, on that import ban it's worth noting Frank Wolf and I, when we visited Beijing Prison Number One soon after Tiananmen Square, we actually took socks and jelly shoes, which, for young girls, was very popular at the time. They were coming to this country.

Since we knew that there were 40 Tiananmen Square and other convicts laboring in that place we got an import ban on it. We asked the customs commissioner to do it. He did it and it held and we think it may have even closed down that particular laogai. Of course, they just moved it somewhere else. So it was not a Pyrrhic victory but at least a step in the right direction.

Now, you recall that both Bush and Clinton always talked about the MOU on gulag-made goods and referencing Smoot-Hawley, you know, the 1930 act. But it always had a gaping flaw to it in that if we suspected something as far as I know it has not changed. We tell them, they being the Chinese Government. They inspect it and 60 days later they come back and tell us whether or not it was true or not.

I mean, that's like telling a lawbreaker you go investigate your nefarious enterprise and tell us what you find. It was absurd at its face then but that was touted for years.

I remember meeting two customs officials in Beijing on one of my trips to Beijing in the early 1990s and I said, "What do you guys do? When do you ever investigate any of this?" The bottom line is—you might recall this—they were like the Maytag repairman. They had nothing to do relative to this issue and they said, we really don't get any requests.

So we should really be looking, I think, to get an MOU or something like that that has real teeth to it so that we're looking for

these gulag-made goods and then we take action to truly, you know, put an import ban on it. So——

Mr. ABRAMOWITZ. I would say, first of all, Mr. Chairman, that as far as I understand it, the situation remains very problematic with the MOU with China, that if it's not identical to what it was it's very similar.

We were having a conversation with the customs and border protection staff about this and there was some indication that there really needs to be an effort with State to go back and renegotiate that MOU or try to find some other alternative channel for obtaining some of this information. And there was some conversations that we've been having with some of our Senate friends who are interested in trying to see how the Tariff Act can be implemented and I would say that Senator Sherrod Brown of Ohio has a very strong interest in this issue and could be a good person to talk to you about how to try to see what we could do.

They have been following up on the task force on prison labor. This was established I think under an Executive order that may have come out about that time and my understanding is that the task force that's supposed to look at these issues with China in particular has not been very active and that there is, I think, an effort to try to spur additional examination of these issues. So that might also be a good way of trying to see what kind of activity it will generate.

Mr. SMITH. Let's work together on that one. Sherrod Brown and I used to co-chair the Congressional-Executive Commission on China together so we sat next to each other for years, and I will follow up with him. I think it's a great idea.

Let me just ask you, with regards to China—one last thing on China. We know that the North Koreans who are trafficked who make it across the border and because we ran out of time I didn't get to ask Ambassador Coppedge that—but it is a question we'll submit for the record.

That is a clear violation of the Refugee Convention. The UNHCR has yet to really step up and raise the issue in a meaningful way with Beijing. But we should and it seems to me it ought to be a real issue in our bilateral with China that they send people back to sure prison or they're trafficked, not 100 percent but in a huge percentage of the cases. And your thoughts on that?

Mr. ABRAMOWITZ. Well, Mr. Chairman, this of course has been an issue that we've been working on for decades now and UNHCR's difficult relationship with Beijing has really been an inhibitor to really making progress.

I wonder, Mr. Chairman, whether the existing refugee challenges that we're seeing around the world might create a new entry point for these issues. That is, you have these very large populations in all corners of the world. Human trafficking issues had become an important issue for UNHCR. Even with respect to the European space where we know that, there are challenges when it comes to vulnerable populations.

There has been some new attention on that and I wonder if there's a way to try to raise those issues and say look, you've been expressing these concerns in conflict zones and whether it's the Islamic State in Iraq and so on and their challenges or whether it's

been in Europe where there's these large mass movements that have shown vulnerable populations where these trafficking issues—let's look back at China and see how we can try to make sure that everyone is accepting the same norms.

Mr. SMITH. Yeah. No, that's a great idea. We just got back, a few of us. Allison Hollabaugh and others on the Helsinki Commission from the Organization for Security and Cooperation in Europe's Parliamentary Assembly.

I was the head of delegation. I'm also a Special Representative for Trafficking, and at it I offered a resolution that did pass but not without people voting against it and speaking out against it, particularly the Norwegian delegation on International Megan's Law. That law is 8 years in the making, passed the House three times. Finally got through the Senate, and the argument that was being made by Norway's delegation was once somebody serves time, that should be the end of it. Everyone forgets why they're in prison and there's no follow up and our argument back was this is about child protection. The proclivity to recommit these crimes is so very, very high—well-documented that we've got to ensure that for the sake of children there's at least a noticing requirement and hopefully becomes reciprocal so we're noticed when they come here, people who are convicted of these crimes against children.

I am wondering what your thoughts are on that because we know that we are trying to get European countries, and it did pass—the resolution; we'll give you a copy.

Without objective we'll make it a part of this record as well—and we had good buy-in from our friends from Canada, some of the others—the U.K. had some of the members of the delegation there were very supportive. But, again, and the eastern and central European countries very supportive—not the Nordic countries and some of the others in that region. It was very, very disappointing.

I think it presents a real challenge to all of us so your thoughts on that one.

Mr. ABRAMOWITZ. Mr. Chairman, I have been following that debate in the European space the way you and your staff have. Obviously, sex tourism is a serious problem, particularly when it comes with respect to children.

I guess my thoughts on it are limited to the notion that we do have a situation here in the United States where after many, many years of efforts you and the other champions who have been working on this issue have got this legislation passed and enacted into statute here in the United States and I wonder if there's a way of trying to really track that data through the Justice Department and the State Department and others so that we can build a narrative around how this is having an impact and the countries' reactions to it.

I do think that it may appear different to Nordic countries once they're notified of sexual predators who are coming to their own country and that building up a case after some experience with the law here, even we have Ambassador Coppedge indicating that even the Cubans who, you know, their reservations about their—what they have been doing. I've been interested in following up on these issues and have been looking into it.

So I think that perhaps there's a way that over time there can be a stronger and stronger narrative that can be built and that the Nordics can see that this is something that could make a lot of sense and maybe there will be more cooperation.

Mr. SMITH. That's a good thought. We do require in the law reporting. We want to know when the information is actionable, what do they do so we have feedback on a constant basis. So you're right, we build a narrative. It's more likely they'll be persuaded over time.

Mr. ABRAMOWITZ. And I think—Mr. Chairman, I think that they're—you know the statistics are one thing but the stories are another. I think that my own experience from the outside, now that I'm in the advocacy world, having left the U.S. Government is that having the number of times and what happened and so on is very important, you need the hard information, the quantitative. But there's a qualitative end to it that, as you know, is so critical in terms of changing people's perspective. So trying to marry those up together and trying to devise a narrative where we can see that there are some individuals who clearly intended to do these kinds of misconduct when they're crimes, when they're abroad, and how this helps stop that I think could make some difference in terms of those perspectives.

Mr. SMITH. One of the most interesting side conversations I had in Tbilisi was with a former member of the Royal Mounties who when Phuket was hit with the tsunami, and I joined the delegation. We went to Sri Lanka, Phuket, and Banda Aceh. And Phuket, obviously, has a tremendous amount of sex trafficking and of children and it was made very clear that many of the bodies that he was a part of identifying, sadly, were—their country of origination was in the Nordic area. He was kind of shocked by that. And so there could be a more systemic problem that needs to be addressed there as well.

But you're right, we build a narrative and hopefully they'll be persuaded. One last question and then I'll make a final comment, and anything else you'd like to add that you think might be helpful.

You heard the back and forth on Cuba earlier today. I've read again the Cuba narrative which I think is very thorough. The point that some—what's the number—84,000 foreign mission workers are sent abroad. It's a great money maker for the Cuban Government, and yet—and there's been ongoing decades-long allegations that there is coercion involved and then our TIP Report says they took no action to address forced labor which is the co-equal with sex trafficking where there is also huge deficiencies, particularly on child sex trafficking.

It makes me wonder and beyond words how they could be on the Watch List. Seems to me that if there is a rapprochement going on with Cuba it ought to be done with human rights in hand, not in the back somewhere or hidden from view. Friends don't let friends commit human rights abuses. If we really are getting closer to the Cuban Government which many are doing, I think it ought to be done with principles that are not compromised for some political reason.

But your thoughts on the absolute lack of labor trafficking and then the issue of sex trafficking.

Finally, in the recommendations to Cuba, it calls for allowing the U.N. Special Rapporteur to visit there. I remember the last Special Representative that went to Cuba and I was a part of it.

I didn't play the role. It was Armando Valladares who led the U.S. delegation during the Reagan administration. I went over with him, spent a week in the U.N. Human Rights Commission and he got an investigation into the Cuban prisons.

Everybody was retaliated against when they left. I don't think there was a single person not, and but at least we began focusing on Cuba. They wouldn't even let the Rapporteur in to look at human trafficking.

So I think we're premature at best putting that Watch List as an issue on there. But I appreciate your thoughts.

Mr. ABRAMOWITZ. So Mr. Chairman, I have to say that Cuba is not a country that we focused on in any detail. I have heard from those who do follow the Cuban situation a little bit more carefully, that based on their analysis of last year's report where they were upgraded from Tier 3 to the Tier 2 Watch List that there was very little action by the Cuban Government. It more fell into this category of promises that they were making and commitments they were making to engage more with this issue and that was the primary basis, if you just look at the text of the report itself.

And I think that this goes to this issue of we have to really think about—and I'm sure you may remember that there are times where I have raised concerns about reopening standards within the TVPA for tier placement because, of course, that's like opening up the Constitution of the United States—who knows where it would go.

But I think that that's why I really think that Congress should consider looking at ways to try to focus more on impact, particularly on that upgrading from Tier 3 to the Tier 2 Watch List. What are the actions that they're taking and what impact is it having on the ground, because I don't really see anything in the 2015 or more specifically to the subject of this hearing in the 2016 narrative that really shows the kind of actions that are going to create impact on the ground.

I, myself, was a bit taken aback when I read the Cuba narrative and leading up to this hearing, knowing that this might be an issue with respect to really the very clear statement that for issues around forced labor are just not dealt with at all in Cuba.

As important as sex trafficking may be and issues around the tourist industry that may be the case in Cuba, there really needs to be a framework for addressing forced labor issues.

I will say that as I understand it there are some different views about the medical missions and even apparently some of the ways in which Cuba brings younger individuals into the fields to do some agricultural work and as to whether that is really forced labor or not and it appears that there has been an inconsistent view that the State Department has taken from year to year. I think that was a basis in previous years as to why they were on Tier 3.

I noted Congressman Bass' concerns that perhaps the Tier 3 status at that time and before the opening that the Obama administration has led was really political too.

But I think there were some serious concerns that have been raised in the past regarding those programs as to whether they amounted to forced labor.

So I think that there may be a role in trying to get some additional documentation on those programs and get into them a little bit more to try to clarify whether they really fit into that category of state-sponsored forced labor because if they are then, as I said, I think that's a really strong basis for saying, you know, that Cuba and any country that is involved in a policy of forced labor or exploitation should only be on Tier 3.

Mr. SMITH. Thank you.

Let me just conclude by thanking you, David Abramowitz, for your lifelong work on human rights, particularly on human trafficking.

Thank you that you have amassed a list of recommendations for reauthorization. I look forward to working with you on that. My concern is that there will be some of those issues that will not be acceptable to the Senate, more likely be acceptable to the House.

Even on the Human Trafficking Prioritization Act, which has now sat over there for two Congresses in a row without an action, and it deals with this issue of these downgrades and the parking lot and which we thought we addressed with the Wilberforce Act in 2008, which still remains a problem.

But I look forward to working with you on that, going forward, and I thank you for that leadership. And if I could just conclude. Are there any other countries that you think we haven't touched on that bear is some scrutiny and focus?

Obviously, every country in the book, anything on any country in Tier 3, obviously, but this hearing was to look at where mistakes may have been made, obviously, congratulate where good things have been done and basically, the TIP Report is a good report, but it has some egregious flaws that, again, the Reuters organization discovered last year, which I have been saying for some years myself.

So are there any other countries that you think might need a focus?

Mr. ABRAMOWITZ. Well, Mr. Chairman, I think that, you know, the question of India has been a perennial question that we've discussed in the past. Clearly, the Indian Government is taking steps. But should they really be on Tier 2, given the huge scale of forced labor that's in the country? I've been particularly concerned about reports with respect to India that they are not allowing individuals to travel who have been conferred the T Visas as a derivative of those who are victims in the United States.

So I think India is a country that we should be looking at. I think that, you know, Ghana is a country that, while it was kept on the Tier 2 Watch List this year I think continues to bear, you know, some examination.

I haven't had a chance to look through all the ratings but I think that as we go forward as we head toward the 2017 Report, looking at the things that are happening now, these issues around what are—what are the countries that have been on the Tier 2 Watch List for 4 years or this is the 4th year, really do an analysis of those and start early on collecting information on those countries

to ensure that we're prepared to give the right information and really see whether in this sort of final year on the Watch List for the 4th year that they're going to actually take serious steps that really will have impact.

So I'm going to be doing some analysis with my friends on that and would be happy discuss it with you and your staff as to what are some of the key countries we should be having a special eye on as we go forward.

Mr. SMITH. I appreciate that, and thanks for raising India. I met with the Indian Ambassador to the U.S. a few times now and he assures me that the retaliation against T Visa holders has ended.

He may not have all the information on that and when Mr. Modi was in town I raised two issues with him quickly; one was child abduction and the other was trafficking, and the hope is that he'll take them very seriously.

I'll never forget IJM's—we actually showed a video that they had of young Indian girls who were in a cave-like cellar and they were being, obviously, trafficked for sex exploitation—very, very young girls.

When they came up out of this hole they removed the door to it and their eyes were adjusting and it was just a heartbreaking scene to see and they were down there to evade the police who were on the search or the hunt but were tipped off.

So thank you for raising India and some of these other countries.

Mr. ABRAMOWITZ. Well, Mr. Chairman, I just want to say thank you for your leadership on these issues and raising these issues. It's not always easy to raise an issue like human trafficking with the Prime Minister of a major country like India. But, you know, we really congratulate you on all your continuing serious work and the way the subcommittee and Congresswoman Bass has taken this issue very seriously and we look forward to working with all of you to try to see what further progress we can make on this issue.

Mr. SMITH. Mr. Abramowitz, thank you so very much and the hearing is adjourned.

[Whereupon, at 5:20 p.m., the committee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE RECORD

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

**Subcommittee on Africa, Global Health, Global Human Rights, and International
Organizations**
Christopher H. Smith (R-NJ), Chairman

July 12, 2016

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations in Room 2200 of the Rayburn House Office Building (and available live on the Committee website at <http://www.ForeignAffairs.house.gov>):

DATE: Tuesday, July 12, 2016

TIME: 2:00 p.m.

SUBJECT: Accountability Over Politics: Scrutinizing the Trafficking in Persons Report

WITNESSES: Panel I
The Honorable Susan Coppedge
Ambassador-at-Large to Monitor and Combat Trafficking in Persons
U.S. Department of State

Panel II
Mr. David Abramowitz
Managing Director
Humanity United Action

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202-225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.



COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON Africa, Global Health, Global Human Rights, and International Organizations HEARING

Day Tuesday Date July 12, 2016 Room 2200 Rayburn HOB

Starting Time 2:02 p.m. Ending Time 5:20 p.m.

Recesses 1 (3:20 to 4:41) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Rep. Chris Smith

Check all of the following that apply:

Open Session ☒

Executive (closed) Session ☐

Televised ☒

Electronically Recorded (taped) ☒

Stenographic Record ☒

TITLE OF HEARING:

Accountability Over Politics: Scrutinizing the Trafficking in Persons Report

SUBCOMMITTEE MEMBERS PRESENT:

Rep. David Cicilline, Rep. Karen Bass

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an * if they are not members of full committee.)

HEARING WITNESSES: Same as meeting notice attached? Yes ☒ No ☐

(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

Questions for the record for Amb. Susan Coppedge from Rep. Chris Smith


A report titled: Assessing Government and Business Responses to the Thai Seafood Crisis, Submitted by Mr. David Abramowitz

A resolution adopted by the OSCE Parliamentary Assembly on Law Enforcement Co-Ordination to Prevent Child Sexual Exploitation and Trafficking by Known Sex Offenders, Submitted by Rep. Chris Smith

TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 5:20 p.m.


Subcommittee Staff Associate

MATERIAL SUBMITTED FOR THE RECORD BY MR. DAVID ABRAMOWITZ, MANAGING
DIRECTOR, HUMANITY UNITED ACTION

Supported by



Assessing Government and Business
Responses to the Thai Seafood Crisis

With dramatically increased scrutiny on the Thai fishing industry in recent years, the Thai government and private sector have launched wide-ranging initiatives in an attempt to reform historically unregulated practices and prevent the exploitation of the industry's workforce. While they have taken a number of encouraging steps, there remain significant gaps, particularly with regard to the government's system of inspections. This report provides an independent, field-based assessment of the reforms in the Thai fishing industry, and offers practical recommendations for improvement.

Fundamental to the abuses exposed in Thailand's seafood industry is a failure of regulation, both in design and enforcement. Recent changes have sought to address a poorly managed labour market with high numbers of informally employed migrant workers, an absence of controls at Thailand's ports, a failure to monitor vessels at sea, impunity for illegal practices, and an opaque chain of custody from vessels to factories that has made tracing fisheries products nearly impossible.

To address these challenges, the Thai government has introduced sweeping legislative and regulatory reforms that, on paper, are some of the most comprehensive measures the industry has ever seen. But implementation has been inconsistent, both in ports and at sea. Inspection systems are underfunded, plagued by corruption, and constrained by inadequate vessel monitoring capabilities. More importantly, inspectors have failed to identify victims of forced labour, as they lack the resources and incentives to check crews and interview workers.

Complementing the government response, the private sector has also been active – most notably through the establishment of the Shrimp Sustainable Supply Chain Task Force. The Task Force has set goals to establish credible tracing and auditing systems, develop a model code of conduct, and drive regional fishery improvements. It has achieved significant progress in some areas, but there are questions about its longevity, its voluntary compliance structure, and the degree to which it is meaningfully involving NGOs and worker representatives.

While the recent flurry of government and private sector initiatives is welcome and encouraging, it is vital that reform efforts are realistic, properly funded and monitored, and embedded for the long term in industry practice. Given the scale of the challenge and the ongoing gaps in regulation and traceability, both government and business should refrain from issuing premature claims that Thailand's forced labour problem has been solved. Only with a sustained effort from all those involved will the livelihood and dignity of workers and the sustainability of Thailand's fisheries be protected.

International focus on the Thai seafood industry has rapidly increased in recent years. The last two years in particular have seen a series of high profile reports that have damaged the industry's reputation and put pressure on the Thai government. In June 2014, a six-month investigation by the *Guardian* newspaper culminated in an exposé linking one of Thailand's largest companies and a number of leading American and European retailers to fish caught by slaves, which was used to feed the farmed shrimp they sold in the US and EU.¹ Around the same time, the influential Trafficking in Persons (TIP) report, published annually by the US Department of State, downgraded Thailand to its lowest ranking (Tier 3) for failing to adequately address human trafficking.²

Major investigations by the *Associated Press* and *New York Times* expanded on the *Guardian*'s work, linking more companies, and even the global pet food industry, to forced migrant labour in Thai seafood. In April 2015, the European Commission decided to issue Thailand with a "yellow card" as a possible "non-cooperating third country in fighting illegal, unreported and unregulated fishing."³

The investigations and yellow card led the Thai government to launch a wide array of legislative reforms and policy initiatives, which are, on paper, some of the most comprehensive measures the industry has ever seen. Within days of the Commission's announcement, a new Fisheries Act – the first major update to legislation governing the country's fisheries since 1947 – was promulgated and the government issued Directive 10/2558, which mandated action to address illegal fishing and labour abuses under the coordination of the Royal Thai Navy, reporting directly to the Prime Minister.⁴ Numerous other reform announcements followed.

The *Guardian* investigation also spurred important developments in the private sector, the most significant of which was the establishment of the Shrimp Sustainable Supply Chain Task Force (Task Force) in July 2014, led by Charoen Pokphand Foods (CPF), which was implicated in the *Guardian* report. Since its inception, Task Force membership has grown to include the major Thai seafood companies, as well as US and European retailers representing more than \$16 billion in Thai seafood purchases.⁵ The Task Force now represents the most influential and diverse coalition of stakeholders operating in Thailand on this issue and has launched its own set of initiatives to reform the industry.

As the Thai government and private sector have ramped up their engagement to combat forced labour, so too have civil society and the philanthropic community. The number of organisations and agencies interested and involved in the Thai seafood industry has grown exponentially since 2014, both domestically and abroad.

With numerous players now engaged, but few hard facts about how the situation is changing on the ground, there is a need to examine the extent to which recent reforms are addressing the industry's core challenges. The increased attention on Thai seafood has not yet brought greater clarity on what has been accomplished so far and what remains to be done.

This report provides an independent, field-based assessment of recent government and private sector reforms, and offers practical recommendations for improvement where appropriate. The report draws on a combination of desk and field research conducted in late 2015 and early 2016, including a review of policy documents, interviews with key stakeholders in government, business and civil society, and on-site observations in eight Thai ports across five provinces.

The complete version of this document can be accessed at: <http://go.usa.gov/xKtXw>

Image: Josh Stride © Humanity United

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE CHRISTOPHER H. SMITH,
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY, AND CHAIRMAN,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTER-
NATIONAL ORGANIZATIONS

RESOLUTION ON

LAW ENFORCEMENT CO-ORDINATION TO PREVENT CHILD SEXUAL EXPLOITATION AND TRAFFICKING BY KNOWN SEX OFFENDERS

1. Recalling the OSCE Parliamentary Assembly resolutions on human trafficking adopted by the OSCE Parliamentary Assembly in St. Petersburg (1999), Brussels (2006), Oslo (2010), Belgrade (2011), Monaco (2012), Istanbul (2013), Baku (2014), and Helsinki (2015), as well as efforts by participating States to implement the OSCE Action Plan to Combat Trafficking in Human Beings (2003 and 2005), the Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings (2013), and all OSCE commitments related to combating human trafficking,
2. Recalling the OSCE Sofia Ministerial Council Decision on The Special Needs for Child Victims of Trafficking for Protection and Assistance (2004), the OSCE Brussels Ministerial Council Decision on Combating Sexual Exploitation of Children (2006), and the OSCE Madrid Ministerial Decision on Combating Sexual Exploitation of Children on the Internet (2007),
3. Alarmed that approximately one million children are victimized by commercial sexual exploitation every year, according to the International Labour Organization,
4. Distressed that sexual exploitation of children is a human rights violation that results in serious, lifelong consequences for the physical, psychological, and spiritual development and well-being of a child, and in many instances, is a form of human trafficking,
5. Alarmed that while international tourism has doubled in the last 20 years to more than one billion travellers a year, child protection laws in destination countries have not kept pace with the growth of the tourism industry,
6. Concerned that some business travellers and tourists have been opportunistic offenders, exploiting vulnerable or trafficked children in destination countries where law enforcement may be weak, undermined by corruption, or preoccupied with other crimes,
7. Alarmed by numerous media and law enforcement reports about persons convicted of sex crimes against children in one country who then travel to other countries where they continue to sexually exploit children, often with anonymity and impunity,
8. Concerned that the advancement of internet accessibility and mobile technology has had the unintended consequence of facilitating access by known sex offenders, as well as business travellers and tourists, to children who may be vulnerable to sexual exploitation,

9. Recognizing that impoverished children, unaccompanied children, children in institutions/orphanages, children in alternative care, runaway youth, children with disabilities, minority children, stateless children, children without birth registration, refugees and IDPs, and children left behind by migrating parents are especially vulnerable to being sexually exploited and require special care and protection,
10. Concerned that participating States may not have adequate systems to follow up on reports of child sexual exploitation, to keep data on children who have been sexually exploited, or to keep data on their own citizens who travel abroad and exploit children,
11. Recalling that the 2013 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings calls on participating States to develop and implement policies and actions, including law enforcement co-operation between participating States, to prevent the tourism industry from being used for all forms of trafficking in human beings, in particular for sexual exploitation of children,
12. Commending participating States that are working with the travel and tourism industry, including airlines and hotels, to prevent the sexual exploitation of children and to ensure proper reporting of suspected child sexual exploitation,
13. Commending participating States that are working to prevent child sex tourism through advance notification of law enforcement of other participating States, as well as of destination countries outside the OSCE region, of intended travel by individuals convicted of child sexual exploitation,
14. Commending participating States whose laws allow the criminal prosecution of their citizens, legal permanent residents, government contractors, and government employees who return to the participating State after sexually exploiting children abroad,

The OSCE Parliamentary Assembly:

15. Calls on OSCE participating States to work with the private sector and civil society to raise awareness among business travellers and tourists to prevent sexual exploitation of children;
16. Urges all participating States to prevent sexual exploitation of children in tourist destinations through education and awareness raising in the destination communities;
17. Calls on OSCE participating States which have not already done so to enact laws that allow them to prosecute their citizens and legal permanent residents for child sexual exploitation upon their return even if the crime is committed abroad;
18. Calls on participating States that have not already done so to collect and store information, in accordance with national provisions on the protection of personal data, on persons convicted of child sexual exploitation in order to facilitate the monitoring of their probation, and to develop, where appropriate, instruments to enable the exchange of

information internationally among law enforcement **agencies pertaining to sex offenders'** convictions;

19. Calls on OSCE participating States to develop where needed, or strengthen where existing, appropriate law enforcement co-ordination and notification procedures among participating States, as well as with destination states outside the OSCE region, so that states are aware in advance of travel by individuals previously convicted of child sexual exploitation, such as by:
 - a. Maintaining a registry within each state, in accordance with national provisions on the protection of personal data, of individuals previously convicted of child sexual exploitation and who may still be a threat to children;
 - b. Directing individuals on the state registry to alert their own government of their destination state in advance of travel abroad;
 - c. Before travel, checking flight manifests against the state registry of individuals convicted of child sexual exploitation in order to note the names of those who did not self-report in advance;
 - d. Designating a point of contact in each state to send and receive information on the impending travel of registered sex offenders;
 - e. Ensuring that information on registered sex offenders is transmitted appropriately ahead of travel to the destination country;
 - f. Keeping data on how many notifications are sent, whether the notifications arrive in the destination country before sex offender travel, follow up actions by the destination country, and which countries receive the most registered sex offender travel;
20. Calls on participating States, in a manner consistent with international standards of due process, to consider marking, refusing and/or revoking the passports of their own citizens when necessary to prevent the commission of a child sexual exploitation offence in another country;
21. Requests that the OSCE Strategic Police Matters Unit examine ways in which it can assist participating States in coordination and notification procedures between States such that States are aware in advance of travel by individuals previously convicted of sexually exploiting a child; and
22. Urges the OSCE to update its existing commitments concerning combating sexual exploitation of children.

**Questions for the Record Submitted to
Ambassador-at-Large Susan Coppedge by
Representative Chris Smith for
Subcommittee on Africa, Global Health, Global Human Rights, and International
Organizations
House Committee on Foreign Affairs
July 12, 2016**

Question:

Of the 20.9 million victims worldwide, the ILO estimates that 68% are trapped in labor trafficking. Yet, only 7% of the 6,609 convictions reported worldwide last year were labor cases. Labor traffickers operate with near impunity across the globe, in large part because of the increased resources it takes to recognize, investigate and prosecute these cases. How can J/TIP help build this expertise globally and ensure that more labor cases are identified and prosecuted?

Answer:

The Department of State works hard to ensure governments around the world address all forms of modern slavery, including labor trafficking. The disproportionately low number of forced labor prosecutions and convictions is concerning, especially considering that anti-trafficking law enforcement activity is already alarmingly low around the world. We frequently urge governments to prioritize labor trafficking in their law enforcement and victim identification and protection efforts through our diplomatic engagement and the Trafficking in Persons (TIP) Report recommendations. We continue to educate government policy makers and law enforcement on indicators of labor trafficking and the issues surrounding fraudulent recruitment of workers that can lead to debt bondage. In addition to the emphasis placed on labor trafficking in the TIP Report and through our diplomacy, the Department uses anti-trafficking programs to build capacity to address forced labor around the world. Such programs strengthen legal frameworks, enhance victim protection, and conduct other anti-trafficking activities. Through our grant programs, we partner with public international organizations, U.S. and foreign nongovernmental organizations, and other civil society organizations to recognize, investigate, and build the capacity of governments to prosecute these cases. Our programming includes bilateral and regional projects that promote anti-trafficking protection, prosecution, and prevention objectives as well as short-term training and technical assistance projects to increase government and civil society capacity to fight all forms of trafficking in persons. In fact, a majority of the grants funded by the TIP Office now address labor trafficking.

Question:

The report indicates that child sex tourism is on the rise in the Philippines and that the Government of the Philippines prosecuted 8 cases of child sex tourism in the reporting year. How are the Philippines and US working together to prevent trafficking around our military base at Subic Bay, particularly in the local hotels?

Answer:

The United States government partners with governments around the world to hold perpetrators of child sex tourism criminally accountable for this deplorable act. We also work with governments to identify and prevent known and suspected perpetrators from engaging in these activities, while raising public awareness in local communities on ways to protect children and report perpetrators to the proper authorities. Our work with the Government of the Philippines is particularly strong in this regard. For example, the United States has been working with a local NGO in the Philippines to help identify establishments with known linkages to human trafficking that are near U.S. military installations, while making clear that U.S. personnel and support staff are prohibited from patronizing such establishments. This effort informs anti-trafficking policies and strengthens trafficking prevention efforts.

Question:

Citing Chinese Ministry of Public Security figures, the J/TIP report says the convictions for sex trafficking and forced labor trafficking was 714—an increase from the previous year's figure of 35. How many of these cases were sex trafficking and labor trafficking? How many were for illegal adoptions and other offenses that do not fall under human trafficking? In March 2016, the Chinese Supreme People's Court reported that courts nationwide handled 853 human trafficking cases and conviction of 1,362 individuals a—55% decline in the number of cases and a 62% percent decline in the number of convictions compared to 2010. Why are one set of statistics used and others ignored?

Answer:

The Department works hard to collect and validate as much trafficking data as possible and to maintain a consistent methodology for comparing that data from year to year. Unlike in the previous year, the Government of China provided some law enforcement data for the most recent reporting period. Government prosecutors reported they commenced 284 prosecutions for sex trafficking and forced labor involving 486 suspected traffickers and two prosecutions for forced begging involving three suspected traffickers. The government reported convicting 642 sex traffickers and 72 labor traffickers. The statistics the government provided include data on other crimes, including the abduction and sale of women and children, for which the nexus to human trafficking was unclear, as it remained unknown if the purpose of such acts included exploitation through sex trafficking or forced labor as defined in international law. More generally, the government's tendency to conflate human smuggling, child abduction, prostitution, forced marriage, and fraudulent adoptions with human trafficking offenses made it very difficult to determine the exact number of trafficking cases the government investigated, prosecuted, and convicted. Nonetheless, the TIP Office worked with the U.S. Embassy to review as much case information as possible to ensure only trafficking cases were credited. Law enforcement data is one very important element of the minimum standards to be assessed. China's Tier 2 Watch List tier ranking reflects an assessment across all four minimum standards and 12 indicia that make clear China does not meet the minimum standards.

Question:

The UN Special Rapporteur on North Korea reported in October that 50,000 North Koreans are forced into slave labor abroad, the majority in China and Russia. These workers earn \$120-\$150 per month on and are sometimes forced to work up to 20 hours a day, with only one or two rest days a month and insufficient food. Employers pay “significantly higher amounts” to the North Korean government. But there is not one mention of this in the report, not one mention. How is that possible, given that these reports say it is a major source of foreign currency for the Kim Jong-un regime? Chinese officials are complicit in this crime, why was it not mentioned?

Answer:

The Department takes official complicity in human trafficking very seriously. It is an element of the minimum standards we apply vigorously, and we will continue to do so. The forced labor of North Koreans by their own government is a horrific violation of international law. The narrative for North Korea in the 2016 TIP Report states, “The North Korean government sends laborers to work abroad under bilateral contracts with foreign governments. The majority work in Russia and China Credible reports show many North Korean workers under these contracts are subjected to conditions indicative of forced labor Workers receive only a fraction of the money paid to the North Korean government for their work and face punishment if they fail to meet production or work targets.” North Korea has never been ranked above Tier 3 in the TIP Report.

The 2016 TIP Report also documents the use of North Koreans for forced labor in Russia. A key recommendation in the narrative for Russia states, “take steps to investigate allegations and prevent the use of forced labor in construction projects and North Korean-operated labor camps.” Russia received a Tier 3 ranking for the fourth straight year.

In the case of China, the TIP Report narrative for China reports forced labor of North Koreans in factories, agriculture, and domestic service in China and states, “Reports continued of the government’s complicity in forced labor, including through state-sponsored forced labor policies.” The top recommendation for the Chinese government in this year’s report is to end the practice of forced labor in government facilities and by government officials. This will continue to be a central focus in our diplomacy with China, as the government needs to make significant efforts to address government complicity.